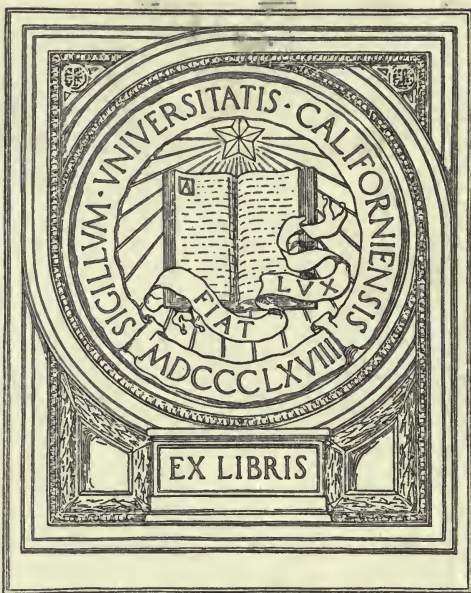


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ANNE MARTIN GIFT
SENATE BILL

No. 51

Nevada Laws, Statutes

INTRODUCED BY SENATOR SUMMERFIELD

(BY REQUEST)

FEBRUARY 24, 1919

Rules suspended, reading so far had considered first reading, rules further suspended, read second time by title, and referred to the Committee on Agriculture, Irrigation and Reclamation of Arid Lands.



AN ACT

TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF IRRIGATION DISTRICTS AND TO PROVIDE FOR THE ACQUISITION OR CONSTRUCTION THEREBY OF WORKS FOR THE IRRIGATION OF THE LANDS EMBRACED WITHIN SUCH DISTRICTS, AND ALSO TO PROVIDE FOR THE DISTRIBUTION OF WATER FOR IRRIGATION PURPOSES, PROVIDING FOR THE ISSUANCE OF BONDS ON SAID DISTRICTS, PROVIDING THAT SAID BONDS SHALL BE LEGAL INVESTMENTS FOR CERTAIN FUNDS, AND PROVIDING FOR THE COOPERATION OF SUCH DISTRICTS WITH RECLAMATION PROJECTS OF THE UNITED STATES GOVERNMENT.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. A majority in number of the holders of title,
- 2 or evidences of title, including the holders of possessory
- 3 rights, under receipts or other evidence of the rights of entry-
- 4 men or purchasers under any law of the United States or of
- 5 this state, to lands susceptible of irrigation from a common
- 6 source and by the same system of works, including pumping
- 7 from subsurface or other waters, such holders of title, or
- 8 evidence of title and of possessory rights, representing a

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majority in value of said lands, according to the equalized county assessment roll or rolls for the year last preceding, may propose the organization of an irrigation district, under the provisions of this act; or the organization of an irrigation district of land susceptible of irrigation from a common source and by the same system of works, including pumping from subsurface or other waters, under the provisions of this act, may be proposed by written petition signed by not less than five hundred petitioners, each petitioner to be an adult person residing in the proposed district, or to be some person, corporation, association or partnership, the holder of title to lands in said proposed irrigation district, or evidence of title to land in said proposed irrigation district, including the holders of possessory rights under receipts or other evidence of the rights of entrymen or purchasers under any law of the United States or of this state; the said petitioners signing said petition shall include the owners of not less than twenty per cent in value of the land within said proposed irrigation district according to the equalized county assessment roll or rolls for the year last preceding. Such lands proposed to be organized into an irrigation district need not consist of contiguous parcels.

Said equalized assessment roll or rolls shall be sufficient evidence of title and of such possessory rights, for the purposes of this act, except that where property is assessed to unknown owners or the assessment roll does not purport to give the true name or gives the names of a portion only of the owners of any parcel, the actual owners of said property shall be considered the owners for all the purposes of this act, and owners of undivided interests may sign for such interest and each such owner shall be considered as one assessment payer; *and provided, further*, that guardians, executors, administrators or other persons holding property in a trust capacity

1 under appointment of court may sign any petition provided
2 for in this act, when authorized by an order of court, which
3 order may be made without notice. A certificate of acknowl-
4 edgment taken before a notary public or justice of the peace
5 of any state, or an affidavit by any person in the presence of
6 whom such petition was signed, shall be sufficient evidence
7 of the genuineness of such signature and of the fact of place
8 of residence of any petitioner and any fact going to the quali-
9 fications of petitioners under this act.

10 SEC. 2. In order to propose the organization of an irriga-
11 tion district, a petition shall be presented to the board of
12 county commissioners of the county in which the lands
13 within the proposed district, or the greater portion thereof,
14 are situated, signed by the required number of holders of
15 title, or evidence of title, including such aforesaid possessory
16 rights to lands within such proposed district, and represent-
17 ing the requisite majority in value of said land, or a petition
18 shall be presented to said board of county commissioners
19 signed by not less than five hundred petitioners, each peti-
20 tioner to the number of at least five hundred to be an elector
21 in the proposed district, or to be some person, corporation,
22 association or partnership, the holder of title to lands in said
23 proposed irrigation district, or evidence of title to lands
24 in said proposed irrigation district, including the holders of
25 possessory rights under receipts or other evidence of the
26 rights of entrymen or purchasers under any laws of the
27 United States or of this state, the said petitioners signing said
28 petition shall include the owners of not less than twenty per
29 cent in value of the land within said proposed irrigation dis-
30 trict according to the equalized county assessment roll or rolls
31 for the year last preceding, which petition shall set forth
32 generally the boundaries of the proposed district and also
33 shall state generally the source or sources (which may be in

1 the alternative) from which said lands are proposed to be
2 irrigated, and shall pray that the territory embraced within
3 the boundaries of the proposed district may be organized as
4 an irrigation district under the provisions of this act. The
5 petition may consist of any number of separate instruments.
6 and must be accompanied with a good and sufficient under-
7 taking, to be approved by the board of county commission-
8 ers, in double the amount of the probable cost of organizing
9 such district, conditioned that the sureties shall pay all of
10 said costs in case said organization shall not be effected. Said
11 petition shall be presented at a regular meeting of said
12 board and shall be published for at least two weeks before
13 the time at which the same is to be presented in some news-
14 paper of general circulation printed and published in the
15 county where said petition is presented, together with a
16 notice stating the time of the meeting at which the same will
17 be presented; and if any portion of the lands within said
18 proposed district lie within another county or counties, then
19 said petition and notice shall be published, as above pro-
20 vided, in a newspaper published in each of said counties.
21 When contained upon more than one instrument, one copy
22 only of such petition need be published, but the names
23 attached to all of said instruments must appear in such pub-
24 lication. On or before the day on which said petition is
25 presented to said board of county commissioners a copy of
26 said petition shall be filed in the office of the state engineer.
27 When said petition is presented, said board of county com-
28 missioners shall hear the same and shall proceed to determine
29 whether or not said petition complies with the requirements
30 hereinbefore set forth and whether or not the notice required
31 herein has been published as required, and must hear all com-
32 petent and relevant testimony offered in support of or in
33 opposition thereto. Said hearing may be adjourned from

1 time to time for the determination of said facts, not exceed-
2 ing two weeks in all. No defect in the contents of the peti-
3 tion or in the title to or form of the notice or signatures, or
4 lack of signatures thereto, shall vitiate any proceedings
5 thereon; *provided*, such petition or petitions have a sufficient
6 number of qualified signatures attached thereto. The deter-
7 mination of the board shall be expressed by resolution. If
8 it shall determine that any of the requirements hereinbefore
9 set forth have not been complied with, the matter shall be
10 dismissed, but without prejudice to the right of the proper
11 number of persons to present a new petition covering the
12 same matter or to present the same petition with additional
13 signatures, if such additional signatures are necessary to
14 comply with the requirements of this act. If the board of
15 county commissioners shall determine that the petitioners
16 have complied with the requirements hereinbefore set forth,
17 it shall cause a copy of the resolution so declaring to be for-
18 forwarded to the state engineer and shall postpone further hear-
19 ing of said petition until a report shall be received from the
20 state engineer. Upon receiving a copy of said resolution, the
21 state engineer shall make or cause to be made such pre-
22 liminary investigation as may be practicable, with a view
23 to determining the feasibility of the project proposed to be
24 undertaken. He shall report as soon as practicable, but at
25 all events within ninety days, in writing, on the matter to
26 the board of county commissioners from which the copy of
27 said resolution was received, and such board of county com-
28 missioners at their next regular meeting following the receipt
29 of said report shall set a time for the consideration of said
30 report; *provided*, that such time shall not be less than one
31 week from such regular meeting of said board of county com-
32 missioners; *and provided, further*, that notice of such time
33 shall be given by registered mail to such party as shall have

1 been designated for that purpose by the petitioners or by
2 publication for at least three days in one daily newspaper
3 published in the county in which the lands within the pro-
4 posed district, or the greater portion thereof, are situated.
5 A failure to give such last-mentioned notice, however, shall
6 not affect the validity of subsequent proceedings. If the
7 state engineer shall report that the supply of water avail-
8 able for the use of the proposed district, or that may be
9 acquired by any practicable means, including the condemna-
10 tion of existing rights, is not sufficient or that the project is
11 not feasible for any other reasons or reason and if such report
12 shall be filed with the said board of county commissioners
13 before the expiration of ninety days from and after the date
14 of the adoption of the aforesaid resolution, the hearing of
15 the petition shall again be continued for not more than two
16 months and shall then be dismissed, unless the board of
17 county commissioners shall be petitioned in writing by three-
18 fourths in number of the holders of title or evidence of title
19 including possessory rights, to land within said proposed
20 district to grant the same; *provided*, that if such petition is
21 not received the board of county commissioners may modify
22 the plans for the proposed district in accordance with recom-
23 mendations by the state engineer. If the report of the state
24 engineer shall not compel the continuance of the matter as
25 aforesaid, or if no report is received or if the state engineer
26 makes a written statement that he has been unable to make
27 such report, or if no report is made at the first regular meet-
28 ing after the expiration of said ninety days, the board of
29 county commissioners shall, at the meeting at which said
30 report shall have been set for hearing, proceed to a final hear-
31 ing of the petition. If said board shall, after receiving an
32 adverse report from the state engineer, as aforesaid, decide
33 to modify the plan as set forth in said petition or shall be

1 requested in writing by three-fourths in number of the hold-
2 ers of title or evidence of title, including possessory rights,
3 to the lands within said proposed district to grant said peti-
4 tion, said board shall then proceed at the time set to a final
5 hearing of the matter. On a final hearing herein provided
6 for, the board may adjourn from day to day, but not for a
7 longer time, until a determination of the matter is reached.
8 On said final hearing said board shall make such changes
9 in the proposed boundaries as it may deem advisable and
10 shall define and establish such boundaries, but said board
11 shall not modify said boundaries so as to exclude from such
12 proposed district any territory which is susceptible of irriga-
13 tion from any of the sources proposed, unless said board
14 shall decide to modify the plan for such proposed district,
15 as herein provided, nor shall any lands which will not, in
16 the judgment of said board, be benefited by irrigation by
17 means of any of said systems or works be included within
18 such proposed district. Lands already irrigated and ripa-
19 rian lands may be included in the district if in the judgment
20 of the board of county commissioners such land will be
21 benefited, or if the water used thereon or the rights to the
22 use of water thereon should, in the judgment of the board of
23 county commissioners, be taken or acquired for the district.
24 Any person whose lands are susceptible of irrigation from
25 any of the proposed sources may, upon his application, in
26 the discretion of said board, have such lands included within
27 said proposed district.

28 Sec. 3. The state engineer shall have authority, and it
29 shall be his duty, to give information so far as may be prac-
30 ticable to persons contemplating the organization of irriga-
31 tion districts under the provisions of this act. Whenever the
32 state engineer shall deem it in the public interest that pre-
33 liminary surveys and field investigations of proposed irriga-

tion district projects shall be made at the expense of the state, the state engineer shall make such surveys and field investigations of proposed irrigation district projects, and, pending the completion of such surveys and investigation, the state engineer shall have authority to withhold from appropriation any unappropriated waters likely to be needed therefor.

SEC. 4. Upon the final hearing of said petition or said matter, the board of county commissioners shall make an order reaffirming its conclusions as to the genuineness and sufficiency of the petition and notice hereinbefore provided for, reciting that a report regarding the proposed district has been made by the state engineer and is on file with the other records of the board, and describing the boundaries of the proposed district as defined and established by said board. Said order shall be entered in full upon the minutes of said board. At said final hearing no evidence shall be heard against the genuineness or sufficiency of said petition or notice unless it shall be shown to the satisfaction of said board that new evidence which, if uncontradicted, would disprove the genuineness or sufficiency of said petition or notice has been discovered since said board adopted the resolution declaring that said petition and notice complied with all the requirements of this act. In case any new evidence is admitted, full opportunity shall be given for the introduction of evidence in rebuttal thereof.

SEC. 5. A finding of the board of county commissioners in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of Nevada upon suit commenced by the attorney-general. Any such suit must be commenced within one year after the order of the board of county commissioners declar-

ing such district organized as herein provided, and not otherwise.

SEC. 6. If, on said final hearing, the boundaries of the proposed district are defined and established, said board shall make an order dividing said district into five divisions, as nearly equal in size as may be practicable, which shall be numbered first, second, third, fourth, and fifth, and one director shall be elected for each division by the electors thereof; *provided*, that if so requested in said petition, the board may order that there shall be only three divisions in said district, and that only three directors be elected, and that the directors may be elected by the district at large, or by divisions, as such petition shall provide, but in any event such directors shall be elected to represent separate divisions and shall be residents of the respective divisions they are elected to represent.

ELECTION ON ORGANIZATION

SEC. 7. Said board of county commissioners shall then give notice of an election to be held in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries so established, and shall designate a name for the proposed district, and said notice shall be published for at least three weeks previous to such election, in a newspaper published within the county in which the petition for the organization of the proposed district was presented; and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in each of said counties. Such notice shall require the electors to cast ballots, which shall contain the words "Irrigation District—Yes," or "Irrigation District—No," or words equivalent thereto, and also the names of persons to be voted

1 for at said election. For the purposes of said election the
2 board of county commissioners must establish a convenient
3 number of election precincts in said proposed district, and
4 define the boundaries of the same. Such election shall be
5 conducted as nearly as practicable in accordance with the
6 general election laws of the state, but no particular form of
7 ballot shall be required.

8 SEC. 8. At such election there shall be elected a board of
9 directors, and an assessor, tax collector, and treasurer; *pro-*
10 *vided*, that where a consolidation of officers as hereinafter
11 provided for is deemed advisable in the organization of a
12 district, the petitioners may request in their petition for
13 organization such consolidation, and the board of county
14 commissioners calling the election shall in its order therefor
15 announce such consolidation, and then only one person shall
16 be elected to fill the several offices so consolidated.

17 SEC. 9. No person shall be entitled to vote at any election
18 held under the provisions of this act unless he possesses all
19 the qualifications required of electors under the general
20 election laws of the state.

21 SEC. 10. The board of county commissioners shall meet on
22 the second Monday succeeding such election, and shall pro-
23 ceed to canvass the votes cast thereat, and if upon such can-
24 vass it appears that at least two-thirds of all the votes cast
25 are "Irrigation District—Yes," said board shall, by an order
26 entered on its minutes, declare the territory duly organized
27 as an irrigation district, under the name theretofore desig-
28 nated, and shall declare the persons receiving respectively
29 the highest number of votes at said election to be duly
30 elected.

31 SEC. 11. Said board shall then cause a copy of such order,
32 duly certified, to be immediately filed for record in the office
33 of the county recorder of any county in which any portion

1 of the lands embraced in such district are situated, and must
2 also immediately forward a copy thereof to the clerk of the
3 board of county commissioners of each of said last-mentioned
4 counties, and no board of county commissioners of any
5 county in which any portion of the lands embraced in such
6 district are situated shall, after the date of the organization
7 thereof, allow another district to be formed including any
8 portion of said lands, without the consent of the board of
9 directors of the district in which they are situated. From
10 and after such filing, the organization of such district shall
11 be complete.

12 SEC. 12. Such election, on organization, may be contested
13 by any person owning property within the proposed district
14 liable to assessment. The directors elected at such election
15 shall be made parties defendant. Such contests shall be
16 brought in the district court of the county where the peti-
17 tion for organization is filed; *provided*, that if more than
18 one contest be pending, they shall be consolidated and tried
19 together. The court having jurisdiction shall speedily try
20 such contest, and determine, upon the hearing, whether the
21 election was fairly conducted and in substantial compliance
22 with the requirements of this act, and enter its judgment
23 accordingly. Such contest must be brought within twenty
24 days after the canvass of the vote and declaration of the
25 result by the board of county commissioners. The right of
26 appeal is hereby given to either party to the record within
27 thirty days from entry of judgment. The appeal must be
28 heard and determined by the supreme court within sixty days
29 from the time of filing the notice of appeal.

30 SEC. 13. The officers elected at the election hereinbefore
31 provided for shall immediately enter upon their duties as
32 such, upon qualifying in the manner for such officers herein

1 provided. Said officers shall hold offices respectively until
2 their successors are elected and qualified.

3 ORGANIZATION AND CLASSIFICATION OF DIRECTORS

4 SEC. 14. The directors of any district created after the
5 passage of this act, on the first Tuesday after their election,
6 after they shall have qualified, shall meet and classify them-
7 selves by lot into two classes, as nearly equal in number as
8 possible, and the term of office of the class having the greater
9 number shall expire at the next general February election in
10 this act provided for; and the term of office of the class hav-
11 ing the lesser number shall terminate at the next general
12 February election thereafter. After such classification, said
13 directors shall organize as a board, shall elect a president
14 from their number, and appoint a secretary, who shall each
15 hold office during the pleasure of the board. The salary of
16 the secretary and the amount of the bond to be given by him
17 for the faithful performance of his duties shall be fixed by
18 the board of directors.

19 MEETINGS

20 SEC. 15. The board of directors shall hold a regular meet-
21 ing on the first Tuesday of each month at the place selected
22 as the office of the board; *provided*, that the board may, by
23 resolution duly entered upon its minutes, fix any other time
24 as the time for its regular monthly meeting, but no change in
25 the time of holding regular meetings of the board shall be
26 made until after the resolution proposing such change has
27 been published once a week for two successive weeks in a
28 newspaper published in the county in which the office of the
29 district is kept. Such special meetings of the board of direc-
30 tors may be held as may be required for the proper transac-
31 tion of the business of the district, but a special meeting must
32 be ordered by a majority of the board. The order must be
33 entered of record, and five days' notice thereof must by the

secretary be given to each director not joining in the order. The order must specify the business to be transacted, and no other business than that specified in the order may be transacted at such special meeting, unless all the members are present and consent to the consideration of any business not specified in said order. All meetings of the board must be public and three members shall constitute a quorum for the transaction of business; *provided, however*, that when the board consists of three members only, then in such case two shall constitute a quorum for the transaction of business, but on all questions requiring a vote, except a motion to adjourn or a motion to adjourn to a stated time, there shall be a concurrence of at least the number constituting a quorum. A smaller number of directors than a quorum may adjourn from day to day. All records of the board shall be open to public inspection during business hours. Whenever any act is required to be done or proceeding taken by this act, or by an act supplemental or amendatory thereto, on the first Tuesday in any month, such act may be done or proceeding had upon the day specified in the resolution hereinbefore referred to as the time for the regular meeting of the board of directors; *provided, also*, that when a day other than the first Tuesday in the month shall have been specified as the time for the regular meeting of the board of directors, thereafter the newly elected officers of the district shall take office at noon on the day fixed for the regular monthly meeting of said board in March and said board shall meet for reorganization and the transaction of any other business of the district in the afternoon of said day.

SEC. 16. The board of directors at their regular monthly meeting in January of each year shall render and immediately thereafter cause to be published a verified statement of the financial condition of the district, showing particularly

1 the receipts and disbursements of the last preceeding year,
2 together with the source of such receipts and purpose of such
3 disbursements. Said publication shall be made at least once
4 a week for two weeks, in some newspaper, published in the
5 county where the office of the board of directors of such dis-
6 trict is situated.

7 POWERS AND DUTIES OF OFFICERS

8 SEC. 17. The board of directors shall have the power and
9 it shall be their duty to manage and conduct the business
10 and affairs of the district; make and execute all necessary
11 contracts; employ and appoint such agents, officers, and
12 employees as may be required, and prescribe their duties.
13 The board and its agents and employees shall have the
14 right to enter upon any land to make surveys, and may
15 locate the necessary irrigation works and the line for canal
16 or canals, and the necessary branches for the same on any
17 lands which may be deemed best for such location. Said board
18 shall also have the right to acquire, by purchase, lease, con-
19 tract, condemnation, or other legal means, all lands, and
20 waters, and water rights, and other property necessary for
21 the construction, use, supply, maintenance, repair and
22 improvements of said canal, or canals, and works, whether
23 in this or any other state, including canals and works con-
24 structed and being constructed by private owners, lands for
25 reservoirs for the storage of needful waters, and all necessary
26 appurtenances, and also where necessary or convenient to
27 said ends to acquire and hold the stock of other corporations
28 domestic or foreign owning waters, canals, water-works,
29 franchises, concessions or rights. Said board may also
30 acquire, own and manage such canals, reservoirs and other
31 works jointly with other irrigation districts and irrigation
32 corporations and may acquire the right to carry water
33 through the canals of other irrigation districts and corpora-

tions, and may likewise grant the right to carry water through canals owned by it to other irrigation districts and irrigation corporations in this or adjoining states.

SEC. 18. No purchase or lease of any waters, or water rights, or canals, or reservoirs, or reservoir sites, or irrigation works, or other property of any nature or kind, or stock in any other corporation, for any price, aggregate rental or consideration, or exchange of bonds at par, in excess of ten thousand dollars, in any district whose area does not exceed fifty thousand acres, or in excess of fifty thousand dollars in any district whose area is over fifty thousand acres and not more than two hundred thousand acres, nor in excess of one hundred thousand acres, shall be final or binding on the district, nor shall the purchase price, rental or consideration or any part thereof, be paid or rendered until a petition of the majority of the holders of title, or evidence of title, and of possessory rights as aforesaid to lands within the district, such holders of title, or evidence of title, and of possessory rights, representing a majority in value of said land, according to the last equalized assessment roll of the district, if such has therefore been made, and if such has not been made, then according to the equalized county assessment roll covering lands of such district, shall have been filed with the board and an order of the board made thereon confirming such purchase, or until a petition shall be presented to said board of directors, signed by not less than five hundred petitioners, each petitioner to be an elector in the district or to be some person, corporation, association or partnership, holder of title to lands in said district or evidence of title to land in said district, including the holders of possessory rights under receipts or other evidence of the rights of entrymen or purchasers under any law of the United States or of this state, said petitioners to include the owners of not less

1 than twenty per cent in value of the land within said district
2 according to the equalized county assessment roll or rolls for
3 the year last preceeding, and an order of the board made
4 thereon confirming said purchase; *provided*, that such peti-
5 tion shall not be required where the property to be purchased
6 or the lease was specified in the plans approved by the irriga-
7 tion district bond commission and adopted by the board of
8 directors as provided in section thirty of this act, or was
9 among the purposes specified for any bond issue authorized
10 by vote of the electors of said district.

11 SEC. 19. The board of directors of any irrigation district
12 may also construct the necessary dams, reservoirs, and works
13 for the collection of water for said district, and do any and
14 every lawful act necessary to be done, that sufficient water
15 may be furnished to each land owner in said district for irri-
16 gation and domestic purposes; *provided*, that where, within
17 irrigation districts mutual water companies have been organ-
18 ized to furnish water to certain specified lands within said
19 districts, the board of directors of such districts are hereby
20 authorized and empowered to contract for the delivery of
21 water for such lands as lie within the boundary of said water
22 companies, through said mutual water companies only. The
23 said board is hereby authorized and empowered to take con-
24 veyances, leases, contracts or other assurances for all prop-
25 erty acquired by it under the provisions of this act, in the
26 name of such irrigation district, to and for the uses and pur-
27 poses herein expressed, and to institute and maintain any
28 and all actions and proceedings, suits at law or in equity
29 necessary or proper in order to fully carry out the provisions
30 of this act, or to enforce, maintain, protect or preserve any
31 and all rights, privileges and immunities created by this act,
32 or acquired in pursuance thereof. And in all courts, actions,
33 suits or proceedings, the said board may sue, appear and

1 defend in person or by attorneys, and in the name of such
2 irrigation district.

3 SEC. 20. It shall be the duty of the board of directors of
4 any irrigation district to establish equitable by-laws, rules
5 and regulations for the distribution and use of water among
6 the owners of said lands, which must be printed in con-
7 venient form for distribution in the district. Said board
8 shall have power generally to perform all such acts as shall
9 be necessary to fully carry out the purposes of this act.

10 CHANGE OF BOUNDARIES

11 SEC. 21. The board of directors, when they deem it advis-
12 able for the best interests of the district, and the convenience
13 of the electors thereof, may at any time, but not less than
14 sixty days before an election to be held in the district, change
15 the boundaries of the divisions or election precincts of the
16 district or of both; *provided*, such changes shall be made to
17 keep each division as nearly equal in area and population as
18 may be practicable. Such change of boundaries of the divi-
19 sions and precincts must be shown on the minutes of the
20 board. The board of directors of any irrigation district now
21 or that may hereafter be organized in the state, shall also
22 have the power, and such board is hereby vested with the
23 authority, to lease the system of canals and works in the dis-
24 trict, or any part thereof, whenever such leasing may be for
25 the benefit of the district; *provided*, that when the directors
26 of any irrigation district contemplate the leasing of the
27 canals and works of such district, they shall give notice of
28 such contemplation by publishing the same in some news-
29 paper published in the county in which such irrigation dis-
30 trict lies, at least three weeks prior to the making of any
31 lease, and such lease shall be made to the highest bidder.
32 But such board shall have the right to reject any and all
33 bids. Such lease shall in no way interfere with any rights

1 that may have been established by law, at the time such lease
2 is made; *and, further provided*, that the board of directors
3 shall require a good and sufficient bond to secure faithful
4 performance of the lease by the lessees.

5 CONDEMNATION

6 SEC. 22. In case of condemnation proceedings the board
7 shall proceed, in the name of the district, under the provi-
8 sions of chapter sixty-six of the civil practice act of the State
9 of Nevada, and all pleadings, proceedings, and process in
10 said chapter provided shall be applicable to the condemna-
11 tion proceedings hereunder.

12 USE OF WATER

13 SEC. 23. The use of all water required for the irrigation
14 of the lands of any district formed under the provisions of
15 this act, or the act of which this is supplementary or amenda-
16 tory, and for domestic or other incidental and beneficial uses,
17 within such district, together with the rights of way for
18 canals and ditches, sites for reservoirs, and all other prop-
19 erty required in fully carrying out the provisions of this
20 act, is hereby declared to be a public use, subject to the
21 regulation and control of the state, in the manner prescribed
22 by law.

23 SEC. 24. It is hereby expressly provided that all waters
24 distributed for irrigation purposes shall be apportioned rata-
25 bly to each land owner upon the basis of the ratio which the
26 last assessment of such owner for district purposes within
27 said district bears to the whole sum assessed upon the dis-
28 trict; *provided*, that any land owner may assign the right
29 to the whole or any portion of the waters so apportioned
30 to him.

31 GENERAL ELECTION

32 SEC. 25. An election, which shall be known as the general
33 irrigation district election, shall be held in each irrigation

1 district on the first Wednesday in February in each odd-
2 numbered year, at which a successor shall be chosen to each
3 officer whose term shall expire in March next thereafter. The
4 person receiving the highest number of votes for each office to
5 be filled at such election shall be elected thereto. The elective
6 officers of an irrigation district shall be as many directors as
7 there are divisions in the district, and an assessor, a collector
8 and a treasurer; *provided*, that if any two or more offices
9 shall have been consolidated as provided in section seven or
10 section twenty-seven hereof, only one person shall be elected
11 to fill such consolidated offices. The term of office of each
12 elective officer of an irrigation district elected at or after
13 the general irrigation district election in one thousand nine
14 hundred nineteen shall be four years, or until his successor
15 is elected and has qualified.

16 SEC. 26. Within ten days after receiving their certificates
17 of election hereinafter provided for, said officers shall take
18 and subscribe the official oath, and file the same in the office
19 of the board of directors, and execute the bond hereinafter
20 provided for. The assessor shall execute an official bond in
21 the sum of five thousand dollars, and the collector an official
22 bond in the sum of twenty thousand dollars, and the district
23 treasurer an official bond in the sum of fifty thousand dol-
24 lars; each of said bonds to be approved by the board of
25 directors; *provided*, that the board of directors may, if it
26 shall be deemed advisable, fix the bonds of the treasurer and
27 collector, respectively, to suit the conditions of the district,
28 the maximum amount of the treasurer's bond not to exceed
29 fifty thousand dollars, and the minimum amount thereof not
30 to be less than ten thousand dollars; and the maximum
31 amount of the collector's bond not to exceed twenty thou-
32 sand dollars, and the minimum amount of the collector's bond
33 not to be less than five thousand dollars. Each member of

1 said board of directors shall execute an official bond in the
2 sum of five thousand dollars, which said bonds shall be
3 approved by the judge of the district court of said county
4 where such organization was effected, and shall be recorded
5 in the office of the county recorder thereof, and filed with
6 the secretary of said board. All official bonds herein pro-
7 vided for shall be in the form prescribed by law for the
8 official bonds of county officers and the premiums thereon
9 may be paid by the district; *provided*, that in case any dis-
10 trict organized under this title is appointed fiscal agent of
11 the United States or by the United States in connection with
12 any federal reclamation project, each of said officers shall
13 execute a further and additional bond in such sum as the
14 secretary of the interior may require, conditioned for the
15 faithful discharge of the duties of his office and the faithful
16 discharge by the district of its duties as fiscal or other agent
17 of the United States under any such appointment or authori-
18 zation, and any such bond may be sued upon by the United
19 States or any person injured by the failure of such officer or
20 the district to fully, promptly and completely perform their
21 respective duties.

22 SEC. 27. If an election is not held as herein provided, then
23 upon the filing of a petition with the secretary of the board
24 of directors of such district, signed by ten per cent of the
25 electors residing within the boundaries of any such irriga-
26 tion district, requesting that a special election be called for
27 the election of such officers, the directors of such district
28 shall thereupon call a special election thereof for the election
29 of such officers, such election to be held within not less than
30 fifteen, nor more than thirty days after the filing of such
31 petition.

32 ORGANIZATION OF BOARD

33 SEC. 28. At noon of the first Tuesday in March next fol-

lowing their election, except as provided in section fourteen of this act, the officers who shall have been elected at the preceding general irrigation district election shall enter upon the duties of their respective offices. On the first Tuesday in March next following each election, the directors shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board.

NOTICE OF ELECTION

SEC. 29. Fifteen days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined by said board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the house or place within the precinct where the election must be held.

CONDUCT OF ELECTIONS

SEC. 30. The inspector is chairman of the election board and may administer all oaths required in the process of an election; and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any

1 member of the board of election, or any clerk thereof, may
2 administer and certify oaths required to be administered
3 during the progress of an election. The board of election of
4 each precinct, must, before opening the polls, appoint two
5 persons to act as clerks of the election. Before opening the
6 polls, each member of the board and each clerk must take
7 and subscribe an oath to faithfully perform the duties
8 imposed upon them by law. Any elector of the precinct may
9 administer and certify such oath. The polls must be opened
10 at 8 a. m. on the morning of the election, and be kept open
11 until 4 p. m., when the same must be closed.

12 SEC. 31. The ballot used at the election shall be provided
13 by the board of directors, and one of the clerks of election
14 shall deliver, to each of the electors, one of the ballots so pro-
15 vided. The ballots shall have printed on them the names of
16 all candidates whose names have been filed as provided in
17 this act, with a voting square behind each name. The names
18 shall be arranged in groups, alphabetically, under the desig-
19 nation of the office for which each person named is a candi-
20 date. When more than one person is to be elected for an
21 office of the same title, the words "Vote for....."
22 (inserting the proper number)" shall be printed under the
23 title of the office. Each elector shall stamp a cross, with a
24 rubber stamp to be provided by the board of directors, in
25 the square behind the name of each candidate he wishes to
26 vote for.

27 SEC. 32. Not less than ten days before election, any ten
28 or more electors in the district may file with the board of
29 directors a petition, requesting that certain persons, specified
30 in such petition, be placed on the ballot as candidates for the
31 office named in the petition. The names proposed by the
32 various petitions so filed, and no others, shall be printed on
33 the ballots. But there shall be sufficient blank spaces left in

1 which electors may write other names if they so desire. The
2 petitions shall be preserved in the office of the secretary of
3 the district.

4 SEC. 33. Voting may commence as soon as the polls are
5 opened, and may be continued during all the time the polls
6 remain opened, and shall be conducted as nearly as prac-
7 ticable, in accordance with the provisions of the general
8 election laws of this state. As soon as all the votes are
9 counted, a certificate shall be drawn up on each of the
10 papers containing the poll-list and tallies, or attached thereto,
11 stating the number of votes each one voted for has received,
12 and designating the office to fill which he was voted for, which
13 number shall be written in figures and in words at full
14 length. Each certificate shall be signed by the clerk, judge,
15 and the inspector. One of said certificates, with the poll-list
16 and the tally paper to which it is attached, shall be retained
17 by the inspector, and preserved by him at least six months.
18 The ballots shall be strung upon a cord or thread by the
19 inspector, during the counting thereof, in the order in which
20 they are entered upon the tally list by the clerks; and said
21 ballots, together with the other of said certificates, with
22 the poll-list and tally paper to which it is attached, shall be
23 sealed by the inspector in the presence of the judges and
24 clerks, and indorsed "Election Returns of (naming the pre-
25 cinct) Precinct," and be directed to the secretary of the
26 board of directors, and shall be immediately delivered by the
27 inspector, or by some other safe and responsible carrier desig-
28 nated by said inspector, to said secretary, and the ballots
29 shall be kept unopened for at least six months; and if any
30 person be of the opinion that the vote of any precinct has not
31 been correctly counted, he may appear on the day appointed
32 for the board of directors to open and canvass the returns,

1 and demand a recount of the votes of the precinct that is so
2 claimed to have been incorrectly counted.

3 SEC. 34. No list, tally paper, or certificate returned from
4 any election, shall be set aside or rejected for want of form,
5 if it can be satisfactorily understood. The board of directors
6 must meet at its usual place of meeting on the first Monday
7 after each election to canvass the returns. If, at the time of
8 meeting, the returns from each precinct in the district in
9 which the polls were opened have been received, the board of
10 directors must then and there proceed to canvass the returns;
11 but if all the returns have not been received, the canvass
12 must be postponed from day to day until all the returns have
13 been received, or until six postponements have been had.
14 The canvass must be made in public and by opening the
15 returns and estimating the vote of the district for each per-
16 son voted for, and declaring the result thereof.

17 SEC. 35. The secretary of the board of directors must, as
18 soon as the result is declared, enter in the records of such
19 board a statement of such result, which statement must show :
20 (a) The whole number of votes cast in the district, and in
21 each division of the district; (b) the names of the persons
22 voted for; (c) the office to fill which each person was voted
23 for; (d) the number of votes given in each precinct to each
24 of such persons; (e) the number of votes given in each divi-
25 sion for the office of director, and the number of votes given
26 in the district for the offices of assessor, collector, and treas-
27 urer. The board of directors must declare elected the persons
28 having the highest numbr of votes given for each office. The
29 secretary must immediately make out and deliver to such
30 person a certificate of election, signed by him, and authenti-
31 cated with the seal of the board.

32 In case of a vacancy in the office of assessor, collector, or
33 treasurer, the vacancy shall be filled by appointment of the

1 board of directors; *provided*, that if said board of directors
2 shall neglect or refuse to make such appointment within a
3 period of forty days, then the board of county commissioners
4 of the county wherein the office of said board of directors is
5 situated shall make such appointment. In case of a vacancy
6 in the office of director, the vacancy shall be filled by appoint-
7 ment by the board of county commissioners of the county
8 where the office of such board of directors is situated, from
9 the division in which the vacancy occurred. An officer
10 appointed as above provided shall hold his office until the
11 next regular election for said district, and until his successor
12 is elected and qualified.

13 SEC. 36. A director shall be a resident and freeholder of
14 the irrigation district and a resident of the division which he
15 is elected to represent.

16 SEC. 37. The board of directors may, in its discretion,
17 consolidate any two or more of the offices of assessor, col-
18 lector, and treasurer. The order of consolidation must be
19 made at least thirty days prior to general election of the
20 district, and shall take effect at the next succeeding election;
21 *provided*, that the board of directors may, at least thirty
22 days before a general election of the district, where the offices
23 have been consolidated, segregate the same, each office to be
24 filled at such election.

25 SEC. 38. In any district the board of directors thereof
26 must upon a presentation of the petition therefor, by a
27 majority of the holders of title, or evidence of title, of said
28 district, evidenced as above provided, order that on and after
29 the next ensuing general election for the district, there shall
30 be either three or five directors.

31 SEC. 39. The holder of any elective office of any irriga-
32 tion district may be removed or recalled at any time by the
33 electors; *provided*, he has held his office at least six months.

1 The provisions of this section are intended to apply to
2 officials now in office, as well as those hereafter elected. The
3 procedure to effect such removal or recall shall be as follows:
4 A petition demanding the election of a successor to the per-
5 son sought to be removed shall be filed with the secretary of
6 the board of directors of such district, which petition shall
7 be signed by registered voters equal in number to at least
8 twenty-five per cent of the highest vote cast within such dis-
9 trict for candidates for the office, the incumbent of which is
10 sought to be removed, at the last general election in such
11 district at which an incumbent of such office was elected, or,
12 in the case of the removal of the incumbent of an office elected
13 by a subdivision of such district, such petition shall be
14 signed by a like percentage of qualified electors of such sub-
15 division computed upon the total number of votes cast in
16 such subdivision for all candidates for the office, the incum-
17 bent of which is sought to be removed, at the last general
18 election in such subdivision at which an incumbent of such
19 office was elected; and said petition shall contain a statement
20 of the grounds on which the removal or recall is sought, which
21 statement is intended solely for the information of the elec-
22 tors. Any insufficiency of form or substance in such state-
23 ment shall in nowise affect the validity of the election and
24 proceedings held thereunder. The signatures to the peti-
25 tion need not all be appended to one paper. Each signer
26 shall add to his signature his place of residence, giving the
27 precinct, and if within a town having named streets and
28 numbered houses, street and number. Each such separate
29 paper shall have attached thereto an affidavit made by an
30 elector of the district and sworn to before an officer compe-
31 tent to administer oaths, stating that the affiant circulated
32 that particular paper and saw written the signatures
33 appended thereto; and that according to the best informa-

tion and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified elector of the district. Within ten days from the date of filing such petition, the secretary of the board shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the said certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The secretary shall, within ten days after such supplementing papers are filed, make like examination of a supplementing petition, and if a certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If the petition shall be found to be sufficient, the secretary shall submit the same to the board of directors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; *provided*, that if a general election is to occur within sixty days, from the date of the order calling for such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election for officers of such district occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall

1 petition is filed, the election shall nevertheless proceed as in
2 this section provided. One petition is sufficient to propose
3 a removal and election of one or more elective officials. One
4 election is competent for the removal and election of one or
5 more elective officials. Nominations for any office under such
6 recall election shall be made in the manner prescribed by sec-
7 tion thirty-two of this act.

8 There shall be printed on the recall ballot, as to every
9 officer whose recall is to be voted on thereat, the following
10 question: "Shall (name of person against whom the recall
11 petition is filed) be recalled from the office of (title of the
12 office)?" following which question shall be the words "Yes"
13 and "No" on separate lines, with a blank space at the right
14 of each, in which the voter shall indicate, by stamping a
15 cross (X) his vote for or against such recall. On such ballots,
16 under each such question, there shall also be printed the
17 names of those persons who have been nominated as candi-
18 dates to succeed the person recalled, in case he shall be
19 removed from office by said recall election; but no vote shall
20 be counted for any candidate for said office unless the voter
21 also voted on said question of the recall of the person sought
22 to be recalled from said office. The name of the person
23 against whom the petition is filed shall not appear on the
24 ballot as a candidate for the office. If a majority of those
25 voting on said question of the recall of any incumbent from
26 office shall vote "No," said incumbent shall continue in said
27 office. If a majority shall vote "Yes," said incumbent shall
28 thereupon be deemed removed from such office, upon the
29 qualification of his successor. The election shall be con-
30 ducted, canvass of all votes for candidates for said office
31 shall be made and the result declared in like manner as in a
32 regular election within such district. If the vote at any such
33 recall election shall recall the officer, then the candidate who

1 has received the highest number of votes for the office shall
2 be thereby declared elected for the remainder of the term.
3 In case the person who received the highest number of votes
4 shall fail to qualify within ten days after receiving the cer-
5 tificate of election, the office shall be deemed vacant and shall
6 be filled according to law. If the vote at any such recall elec-
7 tion shall not recall the officer, no further petition for the
8 recall of such officer shall be filed before the expiration of
9 six months from the date of such first recall election.

10 TITLE TO AND SALE OF PROPERTY

11 SEC. 40. The legal title to all property acquired under
12 the provisions of this act shall immediately and by operation
13 of law vest in such irrigation district, and shall be held by
14 such district, in trust for, and is hereby dedicated and set
15 apart to the uses and purposes set forth in this act. And said
16 board is hereby authorized and empowered to hold, use,
17 acquire, manage, occupy and possess said property, as herein
18 provided. The board of directors may determine by resolu-
19 tion duly entered upon their minutes that any property, real
20 or personal, held by such irrigation district is no longer
21 necessary to be retained for the uses and purposes thereof,
22 and may thereafter sell such property; and a conveyance of
23 any property held by an irrigation district, executed by the
24 president and secretary thereof, in accordance with a resolu-
25 tion of the board of directors of each district, when sold for
26 a valuable consideration, shall convey good title to the prop-
27 erty so conveyed.

28 ISSUANCE OF BONDS

29 SEC. 41. For the purpose of constructing or purchasing
30 necessary irrigation canals and works, and acquiring the
31 necessary property and rights therefor, and for the purpose
32 of acquiring waters, water rights, reservoirs, reservoir sites,
33 and other property necessary for the purposes of said dis-

1 trict, and otherwise carrying out the provisions of this act,
2 the board of directors of any such district must, as soon after
3 such district has been organized as may be practicable, and
4 also whenever thereafter the board of directors shall find
5 that the construction fund raised by the last previous bond
6 issue is insufficient, or that the construction fund has been
7 exhausted by expenditures herein authorized therefrom and
8 it is necessary to raise additional money for said purposes,
9 estimate and determine the amount of money necessary to be
10 raised. For the purpose of ascertaining the amount of money
11 necessary to be raised for such purposes, or any of them, said
12 board shall cause such surveys, examinations, drawings and
13 plans to be made as shall furnish the proper basis for the
14 said estimate. All such surveys, examinations, drawings and
15 plans, and the estimate of cost based thereon shall be made
16 under the direction of a competent irrigation engineer and
17 shall be certified by him.

18 SEC. 42. The board of directors shall then submit a copy
19 of the said engineer's report to the board of county commis-
20 sioners of the county in which the district or the major por-
21 tion thereof is situated. Said commissioners shall forthwith
22 examine said report and any data in its possession or in the
23 possession of said district and shall make such additional sur-
24 veys and examinations at the expense of the district as it
25 may deem proper or practicable, and as soon as practicable
26 thereafter shall make to the board of directors of said district
27 a report which shall contain such matters as, in the judgment
28 of the said commissioners, may be desirable; *provided*, that
29 it may state generally the conclusions of said commissioners
30 regarding the supply of water available for the project, the
31 nature of the soil proposed to be irrigated as to its fertility
32 and susceptibility to irrigation, the probable amount of water
33 needed for its irrigation and the probable need of drainage,

1 the cost of works, water rights and other property necessary
2 for a complete and satisfactory project, and whether, in its
3 opinion, it is advisable to proceed with the proposed bond
4 issue.

5 SEC. 43. If after such examination and investigation the
6 said commissioners shall deem it advisable that the said plans
7 be modified or that the amount of the bonds proposed to be
8 issued be changed, or that under such conditions as the said
9 commissioners shall prescribe such project or plan or works
10 seems likely to prove feasible, or that in its opinion it is not
11 advisable to proceed with the proposed bond issue, it shall
12 so report to the board of directors of the district in writing.
13 After receiving the said report, said board of directors, if it
14 shall determine and shall declare by resolution that the pro-
15 posed plan of works is satisfactory and that the said project
16 is feasible, shall make an order determining the amount of
17 bonds that should be issued in order to raise the money
18 necessary therefor; *and provided, further*, that if any dis-
19 trict shall issue bonds to carry out any plans approved by
20 said commissioners as herein provided it shall be unlawful
21 for said district to make any material change in said plans
22 thereafter without the consent of said commissioners.

23 SEC. 44. Thereafter said board when petitioned by a
24 majority of the holders of title, or evidence of title, and of
25 possessory rights to lands within the district, such holders
26 of title, or evidence of title, and of such possessory rights
27 representing a majority in value of said lands according to
28 the equalized assessment roll of the district, if such has there-
29 tofore been made, and, if such has not been made, then
30 according to the equalized county assessment roll covering
31 the lands in such district, or when petitioned by not less than
32 one hundred petitioners, each petitioner to the number of at
33 least one hundred to be an elector in the district, or to be

1 some person, corporation, association or partnership, the
2 holder of title to land in the district or of evidence of
3 title to land in said district, and which said petitioners sign-
4 ing said petition shall include the owners of not less than
5 twenty per cent in value of the land within the irrigation
6 district, according to the equalized county assessment roll or
7 rolls for the year last preceding, shall immediately call a
8 special election, at which shall be submitted to the electors
9 of such district possessing the qualifications prescribed by
10 this act, the question whether or not the bonds of said dis-
11 trict in the amount as set forth in said petition shall be
12 issued.

13 SEC. 45. Notice of such election must be given by posting
14 notices in three public places in each election precinct in
15 said district for at least twenty days and also by publication
16 of such notice in some newspaper published in the county
17 where the office of the board of directors of such district is
18 required to be kept, once a week for at least three successive
19 weeks. Such notices must specify the time of holding the
20 election, the amount of bonds proposed to be issued; and
21 said election must be held and the result thereof determined
22 and declared in all respects as nearly as practicable in con-
23 formity with the provisions of this act governing the election
24 of officers; *provided*, that no informalities in conducting such
25 an election shall invalidate the same if the election shall have
26 been otherwise fairly conducted.

27 SEC. 46. At said election questions as to the issuance of
28 bonds may be submitted separately on the same ballot if
29 estimates of the cost of the respective projects have been
30 made and the board of county commissioners has reported
31 thereon and the aforesaid petition has requested that said
32 questions be so submitted and the respective propositions
33 have been stated in the notices of the election. At such elec-

tion the ballots shall contain a general statement of the proposition or propositions to be voted on, including the amount of bonds proposed to be issued for each purpose, but no informality in such statement shall vitiate the election. Each proposition shall be followed by the words "Yes" and "No;" on separate lines, with a small inclosed space after each of said words. The electors shall vote for or against any proposition by stamping a cross (X) in the voting space after the word "Yes" or "No," respectively. On the ballot shall be printed the following under the heading "Instructions to voters": "To vote for a proposition, stamp a cross (X) in the voting space after the word 'Yes' following the proposition. To vote against a proposition, stamp a cross (X) in the voting space after the word 'No' following the proposition." If a majority of the votes cast for and against any proposition are for "Yes," the board of directors shall cause bonds in the amount specified in such proposition to be issued; if a majority of the votes cast for or against any proposition are for "No," the result of the vote on such proposition shall be so declared and entered of record. Whenever thereafter a petition of the character hereinbefore provided for in this section is presented to the board, it shall so declare of record in its minutes and shall thereupon submit such questions to said electors in the same manner and with like effect as at such previous election.

SEC. 47. All bonds issued under the provisions of this act shall be payable in gold coin of the United States, in twenty series, as follows, to wit: At the expiration of twenty-one years from the date of any issue of said bonds, two per centum of the whole amount of such issue; at the expiration of twenty-two years from said date, two per centum of the whole amount of such issue; at the expiration of twenty-three years from said date, three per centum of the whole

1 amount of such issue; at the expiration of twenty-four years
2 from said date, three per centum of the whole amount of
3 such issue; at the expiration of twenty-five years from said
4 date, four per centum of the whole amount of such issue;
5 at the expiration of twenty-six years from said date, four
6 per centum of the whole amount of such issue; at the expira-
7 tion of twenty-seven years from said date, four per centum
8 of the whole amount of such issue; at the expiration of
9 twenty-eight years from said date, four per centum of the
10 whole amount of such issue; at the expiration of twenty-
11 nine years from said date, five per centum of the whole
12 amount of such issue; at the expiration of thirty years from
13 said date, five per centum of the whole amount of such
14 issue; at the expiration of thirty-one years from said date,
15 five per centum of the whole amount of such issue; at the
16 expiration of thirty-two years from said date, five per cen-
17 tum of the whole amount of such issue; at the expiration of
18 thirty-three years from said date, six per centum of the
19 whole amount of such issue; at the expiration of thirty-
20 four years from said date, six per centum of the whole
21 amount of such issue; at the expiration of thirty-five years
22 from said date, six per centum of the whole amount of such
23 issue; at the expiration of thirty-six years from said date,
24 six per centum of the whole amount of such issue; at the
25 expiration of thirty-seven years from said date, seven per
26 centum of the whole amount of such issue; at the expiration
27 of thirty-eight years from said date, seven per centum of the
28 whole amount of such issue; at the expiration of thirty-nine
29 years from said date, eight per centum of the whole amount
30 of such issue; at the expiration of forty years from said
31 date, eight per centum of the whole amount of such issue;
32 *provided*, that the bonds of any issue may be made payable
33 at the end of shorter periods than are specified herein and

1 the number of series in any issue may be less than twenty,
2 if the number of series in the proposed issue and the pro-
3 posed periods at the end of which the respective series shall
4 be payable are specified in the petition and in the notices
5 of the election provided for in section thirty of this act.
6 While the foregoing several enumerated percentages are of
7 the entire amount of the bond issue, each bond must be made
8 payable at a given time for its entire amount and not for a
9 percentage. The date of issue of any bond authorized under
10 this act shall be deemed to be the apparent date of issue
11 of the said bonds appearing upon the face thereof, which
12 date shall be subsequent to the date of the bond election
13 authorizing said bonds and prior to the date of actual
14 delivery of said bonds to the purchasers thereof. Said bonds
15 shall bear interest at a rate to be determined by the board
16 of directors of the district issuing them, but not exceeding
17 six per cent per annum payable semiannually on the first
18 day of January and the first day of July of each year.
19 Principal and interest shall be payable at the place desig-
20 nated therein. Said bonds shall be each of the denomination
21 of not less than one hundred dollars nor more than one
22 thousand dollars, as the board of directors may determine;
23 shall be negotiable in form, signed by the president and
24 secretary of said board of directors, and the seal of the
25 board shall be affixed thereto. Each issue shall be numbered
26 consecutively as issued, and bonds of each issue shall be
27 numbered consecutively and bear date at the time of their
28 issue. Coupons for the interest shall be attached to each
29 bond, signed by the secretary. Said bonds shall express on
30 their face that they were issued by authority of this act,
31 stating its title and date of approval, and also stating the
32 number of the issue of which such bonds are a part. The
33 secretary shall keep a record of the bonds sold, their num-

ber, the date of sale, the price received and the name of the purchaser. The provision of this section defining what shall constitute the date of issue of bonds shall apply to any and all bonds issued in pursuance of this act.

SEC. 48. The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous to raise money for the construction of said canals and works, the acquisition of said property and rights, or the acquisition of any water or water rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks in some newspaper published in the county where the office of the board of directors is located, and in any other newspaper at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds or any portion or portions thereof to the highest responsible bidder or bidders; *provided, however*, that they may reject any or all bids.

SEC. 49. When bonds are issued bearing date other than January first or July first, it shall be lawful to make such bonds payable upon the first day of January or first day of July nearest the date when the same would be payable under the provisions of section 47 of this act, or to make the last interest coupon payable upon the date when the principal of said bond is payable.

SEC. 50. If any irrigation district bonds have been author-

1 ized before the time when this section shall go into effect but
2 have not been sold and the board of directors of said district
3 deems it desirable that said board be authorized to sell said
4 bonds for less than the par value thereof, said board may
5 call a special election to submit to the voters of the district
6 said proposition. Such election shall be held and notice
7 thereof shall be given in the same manner as is provided in
8 the case of special elections to authorize the issuance of bonds
9 in irrigation districts. The proposition shall be stated in
10 substantially the following form: "Shall the board of direc-
11 tors of.....(insert the name) irrigation district
12 be authorized to sell bonds of the district for less than the
13 par value thereof?" followed by the words "Yes" and "No,"
14 as provided in section thirty hereof. If at least two-thirds
15 of the legal votes cast at such election are for "Yes," then
16 the board of directors may sell any bonds authorized by said
17 district before this section shall take effect to the highest
18 responsible bidder or bidders, as is provided in the foregoing
19 section. If less than two-thirds of the legal votes cast at
20 such election shall be for "Yes," the result shall be entered
21 of record.

22 SEC. 51. Said bonds and the interest thereon shall be paid
23 from revenue derived from an annual assessment upon the
24 land within the district; and all the land within the district
25 shall be and remain liable to be assessed for such payments
26 as hereinafter provided; *provided, however*, that if the
27 amount of the tax levied upon the property within any dis-
28 trict shall at any time be insufficient to pay the interest on
29 said bonds and provide for their retirement as provided in
30 this section, the board of county commissioners of the county
31 within which said district or the major portion thereof is
32 located are hereby required to levy and collect annually a
33 special tax on the assessed valuation of all property, real and

1 personal subject to taxation, within the boundaries of said
2 county and continue such levy from year to year to meet
3 any deficit which may occur in said district bond sinking
4 fund, and pledge the faith and credit of said county to the
5 prompt and ready payment of said bonds and the interest
6 thereon according to the terms, conditions and tenor thereof.

7 SEC. 52. In case the money raised by the sale of bonds
8 issued be insufficient, or in case the bonds be unavailable for
9 the completion of the plan of canal and works adopted, and
10 the acquisition of the necessary property, waters and water
11 rights therefor, and additional bonds be not voted, it shall be
12 the duty of the board of directors to provide for the com-
13 pletion of said plan, and the acquisition of such necessary
14 property, waters and water rights, by levy of assessments
15 therefor; *provided, however,* that such levy of assess-
16 ments shall not be made except first an estimate of the
17 amount required for such purposes has been made by said
18 board, and the question as to the making of said levy sub-
19 mitted to a vote of the electors of the district. Before such
20 question is submitted, the order of submission shall be
21 entered in the minutes of the board, stating the amount to
22 be levied and the purpose therefor, and if submitted at a
23 special election, said order shall, in addition, fix the day of
24 election. Notice of such election must be given by posting
25 notices in three public places in each election precinct in
26 said district for at least twenty days, and also by publication
27 of such notice in some newspaper published in the county
28 where the office of the board of directors of such district is
29 required to be kept once a week for at least three successive
30 weeks. Such notices must specify the time of holding the
31 election, and the amount of assessment proposed to be levied.
32 Said election must be held and the result thereof determined
33 and declared in all respects as nearly as practicable in con-

1 formity with the provisions of this act governing the election
2 of officers; *provided*, that no informalities in conducting such
3 an election shall invalidate the same, if the election shall
4 have been otherwise fairly conducted. At such election the
5 ballots shall contain the words "Assessment—Yes" or
6 "Assessment—No," or words equivalent thereto. If a
7 majority of the votes cast are "Assessment—Yes," the board
8 of directors shall cause an assessment in the amount named
9 in the order of submission to be levied; if a majority of the
10 votes cast are "Assessment—No," the result of such election
11 shall be so declared and entered of record.

12 BONDS OF IRRIGATION DISTRICTS—WHEN LEGAL INVESTMENTS
13 FOR BANKS

14 SEC. 53. Whenever the board of directors of any irriga-
15 tion district organized and existing under and pursuant to
16 the laws of the State of Nevada shall by resolution declare
17 that it deems it desirable that any contemplated or out-
18 standing bonds of said district, including any of its bonds
19 authorized but not sold, shall be made available for the pur-
20 poses provided for in section seven of this act, the said board
21 of directors shall thereupon file a certified copy of such reso-
22 lution with the commission hereinafter provided for.

23 SEC. 54. Such commission, upon the receipt of a certified
24 copy of such resolution, shall, without delay, make or cause
25 to be made an investigation of the affairs of the district and
26 report in writing upon such matters as it may deem essen-
27 tial, and particularly upon the following points:

28 (a) The supply of water available for the project and the
29 right of the district to so much water as may be needed.

30 (b) The nature of the soil as to its fertility and suscepti-
31 bility to irrigation, the probable amount of water needed
32 for its irrigation and the probable need of drainage.

33 (c) The feasibility of the district's irrigation system and of

1 the specific project for which the bonds under consideration
2 are desired or have been used, whether such system and
3 project be constructed, projected or partially completed.

4 (d) The reasonable market value of the water, water rights,
5 canals, reservoirs, reservoir sites and irrigation works owned
6 by such district or to be acquired or constructed by it with
7 the proceeds of any of such bonds.

8 (e) The reasonable market value of the lands included
9 within the boundaries of the district.

10 (f) Whether or not the aggregate amount of the bonds
11 under consideration and any other outstanding bonds of
12 said district, including bonds authorized but not sold,
13 exceeds sixty per centum of the aggregate market value of
14 lands within said district and of the water, water rights,
15 canals, reservoirs, reservoir sites, and irrigation works
16 owned, or to be acquired or constructed with the proceeds of
17 any of said bonds, by said district, as determined in accor-
18 dance with paragraphs (d) and (e) in this section.

19 . (g) The numbers, date or dates of issue and denominations
20 of the bonds, if any, which the commission shall find are
21 available for the purposes provided for in section seven of
22 this act, and, if the investigation has covered contemplated
23 bonds, the total amount of bonds which the district can issue
24 without exceeding the limitation expressed in paragraph (f)
25 of this section.

26 SEC. 55. The written report of the investigation herein
27 provided for shall be filed in the office of the state controller,
28 and a copy of said report shall by the commission be for-
29 ward to the secretary of the district for which the investi-
30 gation shall have been made, and if said commission shall
31 have found, as set out in said report, that the irrigation sys-
32 tem of the district and the specific project for which the
33 bonds under consideration are desired or have been used,

1 whether such project be constructed, projected, or partially
2 completed, are feasible and that the aggregate amount of the
3 bonds under consideration and any other outstanding bonds
4 of said district, including bonds authorized but not sold, does
5 not exceed sixty per centum of the aggregate market value
6 of the lands within said district and of the water, water
7 rights, canals, reservoir, reservoir sites, and irrigation works
8 owned or to be acquired or constructed with the proceeds of
9 any of said bonds by said district, the bonds of such irriga-
10 tion district, as described and enumerated in said report
11 filed with the state controller, shall be certified by the state
12 controller, as hereinafter provided for. If the commission
13 shall be notified by the board of directors, of any district
14 whose irrigation system has been found in such report to be
15 feasible that the district has issued bonds and the commis-
16 sion shall find that said bonds are for any project or projects
17 approved in such report and that the amount of said bonds
18 does not exceed the limitation stated in such report, the com-
19 mission shall prepare and file with the state controller a sup-
20plementary report giving the numbers, date or dates of issue
21 and denominations of said bonds, which shall then be entitled
22 to certification by the state controller as hereinafter provided
23 for. Subsequent issues of bonds may be made available for
24 the purposes specified in this act upon like proceedings by
25 said district, but after any of the bonds of an irrigation
26 district have been enumerated and described as entitled to
27 certification by the state controller as herein provided for,
28 it shall be unlawful for that district to issue bonds that will
29 not be entitled to such certification. It is hereby made the
30 duty of the state controller to provide for the filing and pre-
31 serving of the reports mentioned in this section and also, to
32 make, keep and preserve a record of the bonds certified by
33 him in accordance with the provisions of section 4 of this act,

1 including the date of certification, the legal title of the dis-
2 trict, the number of each bond, its par value, the date of its
3 issue and that of its maturity.

4 SEC. 56. The provisions of section 2 of this act as to the
5 points upon which said commission shall report are directory
6 merely and the board may authorize such certification when
7 in their opinion, subject to the provisions otherwise contained
8 in this act, their findings justify such action.

9 SEC. 57. Whenever the bonds of any irrigation district
10 have been certified, as provided in this act, no expenditure
11 of any kind shall be made from the construction fund of such
12 district without the consent of the commission provided for
13 in this act and no obligation shall be incurred chargeable
14 against such fund without previous authorization of the com-
15 mission nor shall any expense of any kind be incurred in
16 excess of money actually provided by levy of assessment or
17 otherwise.

18 SEC. 58. Whenever any bond of an irrigation district
19 organized and existing as aforesaid, including any bond
20 authorized in any such district but not sold, which shall be
21 eligible to certification by the state controller under section
22 three of this act, shall be presented to the state controller, he
23 shall cause to be attached thereto a certificate in substantially
24 the following form :

25 Carson City, Nevada (insert date)

26 I, _____, controller of the State
27 of Nevada, do hereby certify that the within bond No. _____
28 of issue No. _____ of the _____ irrigation district,
29 issued _____ (insert date), is in accordance with
30 an act of the legislature of Nevada approved _____,
31 a legal investment for all trust funds and for the funds of all
32 insurance companies, banks, both commercial and savings,
33 trust companies, the state school funds and any funds which

1 may be invested in county, municipal or school district
2 bonds, and it may be deposited as security for the perform-
3 ance of any act whenever the bonds of any county, city, city
4 and county, or school district may be so deposited, it being
5 entitled to such privileges by virtue of an examination by
6 the state engineer, the attorney-general and the bank exami-
7 ner of the State of Nevada in pursuance of said act. The
8 within bond may also be used as security for the deposit of
9 public money in banks in said state.

10
11 Controller of State of Nevada.

12 In case of a change in the constitution or any of the laws
13 of this state relating to the bonds of irrigation districts,
14 the state controller shall, if necessary, modify the above cer-
15 tificate so that it shall conform to the facts.

16 A facsimile of the controller's signature, printed or other-
17 wise, impressed upon said certificate shall be a sufficient
18 signing thereof; *provided*, that the imprint of the control-
19 ler's seal thereon shall appear upon both the certificate and
20 the bond over and through the printed signature.

21 SEC. 59. The attorney-general, the state engineer, and
22 the bank examiner are hereby constituted the commission
23 herein provided for, and said commission shall elect one of
24 its members chairman and may employ such clerks and assis-
25 tants as may be necessary for the performance of the duties
26 herein imposed, and may fix the compensation to be paid to
27 such clerks and assistants.

28 SEC. 60. All necessary expenses incurred in making the
29 investigation and report in this act provided for shall be
30 paid as the commission may require by the irrigation district
31 whose property has been investigated and reported on by the
32 said commission; *provided*, that the benefit of any services
33 that may have been performed and any data that may have

1 been obtained by any member of said commission or any
2 other public official in pursuance of the requirements of any
3 law other than this act, shall be available for the use of the
4 commission herein provided for without charge to the dis-
5 trict whose affairs are under investigation.

6 SEC. 61. All bonds certified in accordance with the terms
7 of this act shall be legal investments for all trust funds, and
8 for the funds of all insurance companies, banks, both com-
9 mercial and savings, and trust companies, and for the state
10 school funds, and whenever any money or funds may, by
11 law now or hereafter enacted, be invested in bonds of cities,
12 cities and counties, counties, school districts, or municipali-
13 ties in the State of Nevada, such money or funds may be
14 invested in the said bonds of irrigation districts, and when-
15 ever bonds of cities, cities and counties, counties, school dis-
16 tricts or municipalities may by any law now or hereafter
17 enacted be used as security for the performance of any act,
18 bonds of irrigation districts under the limitations in this act
19 provided may be so used. This act is intended to be and
20 shall be considered the latest enactment upon the matters
21 herein contained, and any and all acts in conflict with the
22 provisions hereof are hereby repealed.

23 DUTIES OF THE ASSESSOR

24 SEC. 62. The assessor must between the first Monday
25 in March and the first Monday in June, in each year, assess
26 all real estate in the district, to the persons who own, claim
27 or have possession or control thereof, at its full cash value,
28 as follows: He must prepare an assessment book, with
29 appropriate headings, in which must be listed all such prop-
30 erty within the district, in which must be specified, in sepa-
31 rate columns, under the appropriate head: (1) The name of
32 the person to whom the property is assessed, if the name is
33 not known to the assessor, the property shall be assessed to

1 “unknown owners”; (2) land by township, range, section or
2 fractional section, and when such land is not congressional
3 division or subdivision, by metes and bounds, or other
4 description sufficient to identify it, giving an estimate of the
5 number of acres and locality; (3) city and town lots, nam-
6 ing the city or town and the number and block, according
7 to the system of numbering in such city or town; (4) the
8 cash value of real estate, other than city or town lots; (5)
9 the cash value of city and town lots; (6) the total value of
10 all property assessed; (7) the total value of all property
11 after equalization by the board of directors; (8) such other
12 things as the board of directors may require. Improvements
13 on any lands or town lots within such districts shall be
14 exempt from taxation for any of the purposes mentioned in
15 this act. Any property which may have escaped the payment
16 of any assessment for any year, shall, in addition to the
17 assessment for the then current year, be assessed for such
18 year with the same effect and with the same penalties as are
19 provided for in such current year. The term improvements
20 as used in this section includes trees, vines, alfalfa and all
21 growing crops and all buildings and structures of whatever
22 class or description erected or being erected upon said lands
23 or city or town lots.

24 SEC. 63. The board of directors must allow the assessor
25 as many deputies, to be appointed by him, as will, in the judg-
26 ment of the board, enable him to complete the assessment
27 within the time herein prescribed. The board must fix the
28 compensation of such deputies, which shall be paid out of the
29 treasury of the district. The compensation must not exceed
30 five dollars per day for each deputy, for the time actually
31 engaged, nor must any allowance be made but for work done
32 between the first Monday in March and the first Monday in
33 August in each year.

1 SEC. 64. On or before the first Monday in August in each
2 year, the assessor must complete his assessment book, and
3 deliver it to the secretary of the board, who must immediately
4 give notice thereof, and of the time the board of directors,
5 acting as a board of equalization, will meet to equalize
6 assessments, by publication in a newspaper published in each
7 of the counties comprising the district. The time fixed for
8 the meeting shall not be less than twenty nor more than thirty
9 days from the first publication of the notice; and in the
10 meantime the assessment book must remain in the office of
11 the secretary for the inspection of all persons interested.

12 EQUALIZATION OF ASSESSMENT

13 SEC. 65. Upon the day specified in the notice required by
14 the preceding section for the meeting, the board of directors,
15 which is hereby constituted a board of equalization for that
16 purpose, shall meet and continue in session from time to
17 time, as long as may be necessary, not to exceed ten days,
18 exclusive of Sundays, to hear and determine such objections
19 to the valuation and assessment as may come before them;
20 and the board may change the valuation as may be just. The
21 secretary of the board shall be present during its sessions,
22 and note all changes made in the valuation of property, and
23 in the names of persons whose property is assessed; and
24 within ten days after the close of the session he shall have
25 the total values, as finally equalized by the board, extended
26 into columns and added.

27 LEVY OF AND COLLECTION OF ASSESSMENTS

28 SEC. 66. The board of directors shall then, within fifteen
29 days after the close of its session as a board of equalization,
30 levy an assessment upon the lands within the district in an
31 amount sufficient to raise the interest due or that will
32 become due on all outstanding bonds of the district on the
33 first day of the next ensuing January and the first day of

1 the next ensuing July, or that the board of directors believes
2 will become due on either or both of said dates on bonds
3 authorized but not sold; also sufficient to pay the principal
4 of all bonds of the district that have matured or that will
5 mature before the close of the next ensuing calendar year;
6 also sufficient to pay in full all sums due or that will become
7 due from the district before the time for levying the next
8 annual assessment, on account of rentals, or charges for
9 lands, water rights acquired by said district under lease or
10 contract; also sufficient to pay in full the amount of all
11 unpaid warrants of the district issued in accordance with
12 this act and the amount of any other contracts or obligations
13 of the district which shall have been reduced to judgment;
14 also sufficient to raise such amount not exceeding two per
15 centum of the aggregate value of the lands within the dis-
16 trict according to the latest duly equalized assessment roll
17 thereof, as the board of directors shall determine may be
18 needed to be raised by assessment for the general expenses of
19 the district during the next ensuing calendar year.

20 SEC. 67. The secretary of the board must compute and
21 enter in a separate column of the assessment book the
22 respective sums in dollars and cents to be paid as an assess-
23 ment on the property therein enumerated. The assessments
24 shall be paid in two installments at the time and in the man-
25 ner provided for the payment of taxes. When collected, the
26 assessment shall be paid into the district treasury and be
27 apportioned to the several proper funds.

28 SEC. 68. If as the result of the neglect or refusal of the
29 board of directors to cause such assessment and levies to be
30 made as in this act provided, then the duly equalized assess-
31 ment made by the county assessor of the county or each of
32 the respective counties in which the district is situated shall
33 be the basis of assessment for the district, and the board of

1 county commissioners of the county in which the office of the
2 board of directors of said district is situated shall cause an
3 assessment roll of said district to be prepared, and shall make
4 the levy required by this act, in the same manner and with
5 like effect as if the same had been made by said board
6 of directors and all expenses incident thereto shall be
7 borne by such district and may be collected by suit at law,
8 which shall be commenced by the district attorney of the
9 county whose board of county commissioners caused said
10 assessment roll to be prepared, unless the amount of such
11 expenses shall be paid within sixty days from the time when
12 proper demand shall have been made therefor. In case of
13 the neglect or refusal of the collector or treasurer of any
14 irrigation district to perform the duties imposed by law,
15 then the tax collector and the treasurer of the county in
16 which the office of the board of directors of such district is
17 situated must respectively perform such duties and shall be
18 accountable therefor upon their official bonds; but, in case
19 any county tax collector shall collect any assessment for any
20 irrigation district, he shall pay the same to the county treas-
21 urer, who shall place such money in special fund to the credit
22 of the district and shall disburse the same to the proper per-
23 sons for the purposes for which such assessments have been
24 levied and shall not pay any part thereof to the treasurer of
25 said district until said county treasurer shall be satisfied
26 that all of the valid obligations for which such assessments
27 were levied and for which payment has been demanded have
28 been paid.

29 SEC. 69. It shall be the duty of the district attorney of
30 each county in which the office of any irrigation district is
31 located to ascertain each year whether the duties relating to
32 the levying and collection of assessments, as in this act pro-
33 vided, have been performed, and if he shall learn that the

board of directors or any official of any such irrigation district has neglected or refused to perform any such duty, said district attorney shall so notify the board of county commissioners or the county official required by this act to perform such duty in such case, and, unless such board of county commissioners or such county official shall proceed to the performance of such duty within thirty days after the receipt of such notice the district attorney shall take such action in court as may be necessary to compel the performance of such duty, and said district attorney shall give such notice to other officials, and shall take such action, as may be necessary to secure the performance in their proper sequence of the other duties relating to the levying and collection of assessments, as in this act provided, that for the enforcement of the levying and collection of any assessment hereafter required to be levied and collected for the payment of any debt hereafter incurred, in case complaint shall be made to the attorney-general of the State of Nevada that the district attorney of any county has not performed any duty devolving upon him by the provisions of this section, or that he is not proceeding with due diligence or in the proper manner in the performance of any such duty, the attorney-general shall make an investigation, and if it shall be found that such charge or charges are true, said attorney-general shall take such measures as may be necessary to enforce the performance of the duties relating to the levying and collection of assessments, as in this act provided.

SEC. 70. If as the result of the neglect or refusal of any official or officials to perform any duty relating to the levying and collection of assessments, as in this act provided, it shall be impossible for such duty to be performed within the time required and such duty shall subsequently be performed, then the time within which all duties consequent

1 upon the performance of such duty shall be performed shall
2 be extended so as to allow the elapsing of the intervals
3 required by this act to elapse between the performance of
4 such duties, and the assessments herein provided for shall
5 not become delinquent for at least thirty days after the first
6 publication of the notice that such assessments are due and
7 payable, as provided in section seventy-four of this act.

8 SEC. 71. In the event any land within said district sub-
9 ject to assessment for the purposes of the district has not
10 been assessed by the county assessor or does not appear upon
11 the county assessment roll adopted by said board of county
12 commissioners as the basis of assessment for the district, the
13 land so omitted belonging to any person, association, cor-
14 poration, or municipality shall be forthwith assessed by the
15 county assessor upon an order of the board of county com-
16 missioners and a description of the property so omitted shall
17 be written in the roll prepared for the purpose of district
18 assessments. In such case, before any assessment is levied,
19 the board of county commissioners must meet and equalize
20 said assessment with that of the assessment of other lands
21 in said district. The same notice shall be given by the board
22 of county commissioners of such meeting for the purpose of
23 equalizing the assessment to be made as herein directed as is
24 provided in this act to be given by the board of directors of
25 an irrigation district when the said board is to meet for the
26 purpose of equalizing assessments. All the powers and duties
27 respecting the collection of all assessment on possession of,
28 claim to, or right to the possession of land now provided by
29 the revenue laws of this state as regards county assessors
30 shall apply, so far as applicable to irrigation district asses-
31 sors.

32 SEC. 72. Whenever any tolls and charges for the use of
33 water have been fixed by the board of directors, it shall be

1 lawful to make the same payable in advance, and in case any
2 such tolls or charges remain unpaid at the time hereinbefore
3 specified for levying the annual assessment the amount due
4 for such tolls and charges may be added to and become a
5 part of the assessment levied upon the land upon which the
6 water for which such tolls or charges are unpaid was used.

7 SEC. 73. The assessment upon land is a lien against the
8 property assessed from and after the first Monday in March
9 for any year.

10 SEC. 74. On or before the first day of November, the see-
11 retary must deliver the assessment book to the collector of
12 the district, who shall within twenty days publish a notice
13 in a newspaper published in each county in which any por-
14 tion of the district may lie, that said assessments are due and
15 payable and will become delinquent at six o'clock p. m. on
16 the last Monday of December next thereafter, and that unless
17 paid prior thereto ten per cent will be added to the amount
18 thereof, and also the time and place at which payment of
19 assessments may be made, which notice shall be published
20 for the period of two weeks. The collector must attend at
21 the time and place specified in the notice to receive assess-
22 ments, which must be paid in gold and silver coin; he must
23 mark the date of payment of any assessment in the assess-
24 ment book, opposite the name of the person paying, and give
25 a receipt to such person, specifying the amount of the assess-
26 ment and the amount paid, with the description of the prop-
27 erty assessed. On the last Monday in December at six o'clock
28 p. m. of each year, all unpaid assessments are delinquent
29 and thereafter the collector must collect thereon, for the use
30 of the district, an addition of ten per cent.

31 SEC. 75. The board of directors may at any time after
32 any assessment has become delinquent direct the collector not
33 to proceed with the sale of any property on the delinquent

list, but to bring suit against the delinquent in the proper court in the name of the district to enforce such collection. The provisions of the civil practice act relating to pleadings, proofs, trials and pleas are hereby made applicable to the proceedings herein provided for, and in such suit the district may recover the amount of said assessments together with the penalties and interests, provided in this act, and costs of suit.

PUBLICATION OF DELINQUENT NOTICE

SEC. 76. On or before the first day of February, the collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description. He must append to and publish with the delinquent list a notice that, unless the assessments delinquent, together with costs and percentage, are paid, the real property upon which assessments are a lien will be sold at public auction. The publication must be made once a week for three successive weeks, in a newspaper published in the county in which the property delinquent is situated; *provided*, that if any property assessed to the same person or corporation shall lie in more than one county, then such publication may be made in any county in which any portion of such property may lie. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be at some point designated by the collector, within the district; *provided, however*, that if there should occur any error in the publication of the sale of the delinquent property, which might invalidate a sale made thereunder, and such error is discovered prior to the sale thereunder, the collector shall at once republish the sale of the property affected by such

error, making such republication conform to the provisions of this law, and the time of sale designated in such republication must not be less than twenty-one nor more than twenty-eight days from the first republication; and the place of sale must be at some point designated by the collector within the district, and stated in such republication.

SALE FOR DELINQUENT ASSESSMENTS

SEC. 77. The collector must collect, in addition to the assessments due on the delinquent list, and ten per cent added, fifty cents on each lot, piece or tract of land separately assessed. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the collector, between the hours of ten a. m. and three o'clock p. m., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of the lots or blocks, until completed. He may postpone the day of commencing the sales, or the sale, from day to day, but the sale must be completed within three weeks from the day first fixed; *provided*, that if any sale or sales shall be stayed by legal proceedings, the time of the continuance of such proceedings is not part of the time limited for making such sale or sales; *and provided further*, that in any district where the validity of any assessment shall be in litigation at the time this act shall take effect, the sale of any property, whether it be involved in such litigation or not, may be postponed for a time not to exceed four months.

SEC. 78. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate, in writing, to the collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the collector may designate it and the person who will take the least quantity

1 of the land, or in case an undivided interest is assessed, then
2 the smallest portion of the interest, and pay the assessments
3 and costs due, including two dollars for the duplicate certifi-
4 cate of sale, is the purchaser. If the purchaser does not pay
5 the assessments and costs before ten o'clock a. m. the follow-
6 ing day, the property on the next sale day must be resold for
7 the assessments and costs. But in case there is no purchaser
8 in good faith for the same on the first day that the property
9 is offered for sale, then, when the property is offered there-
10 after for sale, and there is no purchaser in good faith for the
11 same, the whole amount of the property assessed shall be
12 struck off to the irrigation district within which such lands
13 are situated, as the purchaser, and the duplicate certificate
14 delivered to the treasurer of the district, and filed by him
15 in his office. No charge shall be made for the duplicate certifi-
16 cate where the district is the purchaser, and, in such case, the
17 collector shall make an entry "Sold to the District." and he
18 shall be credited with the amount thereof in his settlement.
19 An irrigation district as a purchaser at such sale, shall be
20 entitled to the same rights as a private purchaser, and the
21 title so acquired by the district, subject to the right of
22 redemption herein provided, may be conveyed by deed, exe-
23 cuted and acknowledged by the president and secretary of
24 said board; *provided*, that authority to so convey must be
25 conferred by resolution of the board entered on its minutes,
26 fixing the price at which such sale may be made, and such
27 conveyance shall not be made for a less sum than the reason-
28 able market value of such property.

29 SEC. 79. After receiving the amount of assessments and
30 costs, the collector must make out in duplicate a certificate
31 dated on the day of sale, stating (when known) the name of
32 the person assessed, a description of the land sold, the amount
33 paid therefor, that it was sold for assessments, giving the

1 amount and year of the assesment, and specifying the time
2 when the purchaser will be entitled to a deed. The certifi-
3 cate must be signed by the collector, and one copy delivered
4 to the purchaser, and the other filed in the office of the county
5 recorder of the county in which the land is situated.

6 SEC. 80. The collector, before delivering any certificate.
7 must, in a book enter a description of the land sold, corre-
8 sponding with the description in the certificate, the date of
9 the sale, purchasers' names, and amount paid, regularly
10 number the description on the margin of the book, and put
11 a corresponding number on each certificate. Such book must
12 be open to public inspection, without fee, during office hours,
13 when not in actual use. On filing the certificate with such
14 county recorder, the lien of the assessments vests with the
15 purchaser, and is only divested by the payment to him, or to
16 the collector for his use, of the purchase money, and two per
17 cent per month from the day of sale until redemption.

18 REDEMPTION OF PROPERTY SOLD FOR DELINQUENT ASSESSMENTS

19 SEC. 81. A redemption of the property sold may be made
20 by the owner, or any party in interest, within five years from
21 the date of purchase, or at any time thereafter before a deed
22 has been made and delivered. Redemption must be made in
23 gold or silver coin, as provided for the collection of state and
24 county taxes, and when made to the collector he must credit
25 the amount paid to the person named in the certificate, and
26 pay it, on demand, to the person or his assignees. In each
27 report the collector makes to the board of directors, he must
28 name the person entitled to redemption money, and the
29 amount due each. On receiving the certificate of sale, the
30 county recorder must file it and make an entry in a book simi-
31 lar to that required of the collector. On the presentation of
32 the receipt of the person named in the certificate, or of the
33 collector for his use, of the total amount of the redemption

1 money, the recorder must mark the word "Redeemed," the
2 date, and by whom redeemed, on the certificate and on the
3 margin of the book where the entry of the certificate is made.
4 If the property is not redeemed within the time herein pro-
5 vided, the collector, or his successor in office, upon demand,
6 must make to the purchaser, or his assignee, a deed of the
7 property, reciting in the deed substantially the matters con-
8 tained in the certificate, and that no person redeemed the
9 property during the time allowed by law for its redemption;
10 *provided*, that where property has been sold to the district it
11 may be redeemed as herein provided, at any time before the
12 district has disposed of the same. The collector shall receive
13 from the purchaser, for the use of the district, two dollars for
14 making such deed.

15 SEC. 82. The five-year period herein prescribed for the
16 redemption of properties sold for delinquent taxes shall not
17 operate as a bar to the dissolution of any irrigation district.
18 If any land has been sold for delinquent taxes of a district
19 in process of dissolution, or in a district which has been
20 dissolved and the time allowed for redemption has not
21 expired, the owner of such property or anyone in interest
22 may redeem the same by paying the amount due thereon,
23 computed as provided in section 46 of this act, to the county
24 treasurer, who must issue his receipt therefor, and upon the
25 presentation of such receipt the county recorder must cancel
26 the certificate of sale in the manner required in the preceding
27 section.

28 In the event any land has been sold for nonpayment of
29 taxes as herein provided, and no redemption has been made
30 within five years from the date of purchase in any district
31 which may have been dissolved before the expiration of said
32 redemption period, then a deed for the property sold and
33 described in the certificate of sale must be made to the pur-

1 chaser upon demand by the county treasurer of the county in
2 which said irrigation district is or was situated. Such deed
3 shall contain all the recitals of the certificate of sale, and in
4 addition thereto, a recital that the district has been dissolved
5 and a deed executed in pursuance of the authority given by
6 this section. A deed so executed shall have the same force
7 and effect as if executed by the collector of an irrigation dis-
8 trict.

9 SEC. 83. The matter recited in the certificate of sale must
10 be recited in the deed, and such deed duly acknowledged or
11 proved is *prima facie* evidence that: (a) The property was
12 assessed as required by law; (b) the property was equalized
13 as required by law; (c) that the assessments were levied in
14 accordance with law; (d) the assessments were not paid;
15 (e) at a proper time and place the property was sold as pre-
16 scribed by law, and by the proper officer; (f) the property
17 was not redeemed; (g) the person who executed the deed
18 was the proper officer.

19 Such deed duly acknowledged or proved is (except as
20 against actual fraud) conclusive evidence of the regularity
21 of all the proceedings from the assessment by the assessor,
22 inclusive, up to the execution of the deed. The deed conveys
23 to the grantee the absolute title to the lands described therein
24 free of all incumbrances, except when the land is owned by
25 the United States, or this state, in which case it is *prima facie*
26 evidence of the right of possession.

27 SEC. 84. The assessment book or delinquent list, or a copy
28 thereof, certified by the collector, showing unpaid assessments
29 against any person, or property, is *prima facie* evidence of
30 the assessment, the property assessed, the delinquency, the
31 amount of assessments due and unpaid, and that all the forms
32 of the law in relation to the assessment and levy of such
33 assessments have been complied with.

1 SEC. 85. When land is sold for assessments correctly
2 imposed, as the property of a particular person, no misnomer
3 of the owner, or supposed owner, or other mistake relating to
4 the ownership thereof, affects the sale, or renders it void, or
5 voidable.

6 SEC. 86. On the first Monday in each month the collector
7 must settle with the secretary of the board for all moneys
8 collected for assessments, and pay the same over to the treas-
9 urer; and within six days thereafter he must deliver to and
10 file in the office of the secretary a statement under oath, show-
11 ing: (a) An account of all his transactions and receipts since
12 his last settlement; (b) that all money collected by him as
13 collector has been paid. The collector shall also file in the
14 office of the secretary, on said first Monday in each month,
15 the receipt of the treasurer for the money so paid.

16 REDEMPTION OF BONDS AND PAYMENT OF INTEREST

17 SEC. 87. Upon the presentation of the coupons due, to the
18 treasurer, he shall pay the same from the bond fund. When
19 ever said fund shall amount to the sum of ten thousand dol-
20 lars in excess of an amount sufficient to meet the interest
21 coupons due, the board of directors may direct the treasurer
22 to pay such an amount of said bonds not due as the money
23 in said fund will redeem, at the lowest value at which they
24 may be offered for liquidation, after advertising in the man-
25 ner hereinbefore provided for the sale of bonds, for sealed
26 proposals for the redemption of said bonds. Said proposals
27 shall be opened by the board in open meeting, at a time to be
28 named in the notice, and the lowest bid for said bonds must
29 be accepted; *provided*, that no bond shall be redeemed at a
30 rate above par. In case the bids are equal, the lowest num-
31 bered bond shall have the preference. In case none of the
32 holders of said bonds shall desire to have the same redeemed,
33 as herein provided for, said money shall be invested by the

1 treasurer, under direction of the board, in United States
2 bonds, or the bonds of the state, which shall be kept in said
3 "bond fund," and may be used to redeem said district bonds
4 whenever the holders thereof may desire.

5 CONSTRUCTION OF WORKS

6 SEC. 88. After adopting a plan for such canal or canals,
7 storage reservoirs, and works, as in this act provided for, the
8 board of directors shall give notice, by publication thereof
9 not less than twenty days in one newspaper published in
10 each of the counties composing the district (provided, a
11 newspaper is published therein), and in such other news-
12 papers as they may deem advisable, calling for bids for the
13 construction of such work, or of any portion thereof; if
14 less than the whole work is advertised, then the portion
15 so advertised must be particularly described in such notice.
16 Said notice shall set forth that plans and specifications can
17 be seen at the office of the board, and that the board will
18 receive sealed proposals therefor, and that the contract will
19 be let to the lowest responsible bidder, stating the time and
20 place for opening said proposals, which, at the time and place
21 appointed, shall be opened in public; and as soon as con-
22 venient thereafter the board shall let said work, either in
23 portions or as a whole, to the lowest responsible bidder; or
24 they may reject any or all bids and readvertise for proposals,
25 or may proceed to construct the work under their own super-
26 intendence. Contracts for the purchase of material shall be
27 awarded to the lowest responsible bidder. Any person or
28 persons to whom a contract may be awarded shall enter into
29 a bond, with good and sufficient sureties, to be approved by
30 the board, payable to said district for its use, for twenty-five
31 per cent of the amount of the contract price, conditioned for
32 the faithful performance of said contract. The work shall

1 be done under the direction and to the satisfaction of the
2 engineer, and be approved by the board.

3 SEC. 89. During the construction of any irrigation works
4 to be paid for out of the proceeds of any bond issue which
5 has been certified by the state irrigation district bond commis-
6 sion as provided in the act creating said commission, the
7 state engineer shall have access to all plans, specifications,
8 and records of such construction, and shall from time to
9 time make such investigations and such reports to the board
10 of directors of the district as he shall deem to be in the
11 interest of the public or of the district.

12 SEC. 90. No claim shall be paid by the treasurer until
13 allowed by the board, and only upon a warrant signed by the
14 president and countersigned by the secretary; *provided*,
15 that the board may draw, from time to time, from the con-
16 struction fund, and deposit in the county treasury of the
17 county where the office of the board is situated any sum in
18 excess of the sum of twenty-five thousand dollars. The
19 county treasurer of said county is hereby authorized and
20 required to receive and receipt for the same, and place the
21 same to the credit of said district, and he shall be responsible
22 upon his official bond for the safe-keeping and disbursement
23 of the same, as in this act provided. He shall pay out the
24 same, or any portion thereof, to the treasurer of the district
25 only, and only upon the order of the board, signed by the
26 president, and attested by the secretary. The said county
27 treasurer shall report, in writing, on the second Monday in
28 each month, the amount of money in the county treasury, the
29 amount of receipts for the month preceeding and the amount
30 or amounts paid out; said report shall be verified and filed
31 with the secretary of the board. The district treasurer shall
32 also report to the board, in writing, on the first Monday in
33 each month, the amount of money in the district treasury,

1 the amount of receipts for the month preceeding, and the
2 amount and items of expenditures, and said report shall be
3 verified and filed with the secretary of the board.

4 SEC. 91. During the construction of any work to be paid
5 for out of the proceeds of the sale of any bonds of any irriga-
6 tion district within this state, the secretary of the board of
7 directors shall, within one week after each regular meeting
8 of said board, forward to the state engineer copies of all
9 reports made to said board as to the progress of said work
10 and a statement of the amounts paid for the doing of any
11 part of said work. Immediately after the publication of the
12 statement of the financial condition of any irrigation district
13 within this state, required by section 14 of this act to be made
14 annually, the board of directors of said district shall cause a
15 copy of said statement and a report stating the general con-
16 dition of any works constructed or acquired by said district
17 and whether or not the plan of irrigation adopted by the dis-
18 trict is being successfully carried out and any other matters
19 which the board may deem proper, to be forwarded to the
20 state engineer, who shall examine said statement and report
21 and make to said board such recommendations and comments
22 as he may deem proper. The state engineer may at any time
23 make or cause to be made an examination of the affairs of
24 any irrigation district within this state or call upon the
25 authorities of such district for such information as he may
26 desire and make such report thereon as he may deem advis-
27 able.

28 TOLLS AND CHARGES

29 SEC. 92. The cost and expense of purchasing and acquir-
30 ing property and constructing the works and improvements
31 herein provided for, shall be wholly paid out of the construc-
32 tion fund; *provided, however*, that when any lands, waters,
33 water rights or other property shall be acquired by the dis-

1 trict by any lease or contract, under the terms of which the
2 consideration or rental shall be payable in such installments
3 that a like amount shall be payable in each year of the life
4 of such lease or contract, then such rental or consideration
5 shall be paid out of the funds derived from the levying of
6 annual assessments, or from the collection of rates, tolls and
7 charges fixed and collected as hereinafter provided for. For
8 the purpose of defraying the expenses of the organization of
9 the district, and of the care, operation, management, repair
10 and improvement of such portions of such canal and works
11 as are completed and in use, including salaries of officers and
12 employes, and installments of rental or consideration accru-
13 ing under any lease or contract, as hereinabove in this section
14 mentioned, the board may in lieu (either in part or in whole)
15 of levying assessments as herein provided for, fix rates of
16 toll and charges, for irrigation and other public uses declared
17 by this act and collect the same from all persons using said
18 canal for irrigation and other purposes.

19 SEC. 93. The board of directors shall have power to con-
20 struct the said works across any stream of water, water course,
21 street, avenue, highway, railway, canal, ditch, or flume which
22 the route of said canal or canals may intersect or cross, in
23 such manner as to afford security for life and property; but
24 said board shall restore the same, when so crossed or inter-
25 sected, to its former state as near as may be, or in a sufficient
26 manner not to have impaired unnecessarily its usefulness;
27 and every company whose railroad shall be intersected or
28 crossed by said works shall unite with said board in forming
29 said intersections and crossings, and grant the privileges
30 aforesaid; and if such railroad company and said board, or
31 the owners and controllers of the said property, thing, or
32 franchise so to be crossed, cannot agree upon the amount to
33 be paid therefor, or the points or the manner of said cross-

ings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right of way is hereby given, dedicated, and set apart, to locate, construct, and maintain said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

GOVERNING DIRECTORS

SEC. 94. The directors when sitting as a board or acting under the orders of the board shall each receive not to exceed four dollars per day and ten cents per mile for each mile actually traveled from his place of residence to the office of the board, and actual and necessary expenses paid while engaged in official business under the order of the board; *provided*, that in irrigation districts containing five hundred thousand acres or more the directors, in lieu of said per diem, shall each receive a salary of one hundred and fifty dollars per month. The board shall fix the compensation to be paid to all officers named in this act, to be paid out of the treasury of the district; *provided*, that said board shall, upon the petition of at least fifty freeholders within such district therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder, which may include the salary or per diem to be paid to the directors. Such petition must be presented to the board not less than twenty days nor more than forty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act.

SEC. 95. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or

1 in the profits to be derived therefrom; and for any violation
2 of this provision, such officer shall be deemed guilty of a mis-
3 demeanor, and such conviction shall work a forfeiture of his
4 office, and he shall be punished by a fine not exceeding five
5 hundred dollars, or by imprisonment in the county jail not
6 exceeding six months, or by both such fine and imprisonment.

7 SPECIAL ASSESSMENTS

8 SEC. 96. The board of directors may, at any time, when
9 in their judgment it may be deemed advisable, call a special
10 election and submit to the qualified electors of the district
11 the question whether or not a special assessment shall be levied
12 for the purpose of raising money to be applied to any of the
13 purposes provided in this act. Such election must be called
14 upon the notice prescribed, and the same shall be held and
15 the result thereof determined and declared in all respects in
16 conformity with the provisions of section 45 of this act. The
17 notice must specify the amount of money proposed to be raised
18 and the purpose for which it is intended to be used. At such
19 elections the ballots shall contain the words "Assessment—
20 Yes" or "Assessment—No." If two-thirds or more of the
21 votes cast are "Assessment—Yes," the board shall, at the time
22 of the annual levy hereunder, levy an assessment sufficient
23 to raise the amount voted; *provided, however*, that in case
24 of an unexpected emergency by which the flow of water in
25 the canal or other supply is interrupted, the amount of the
26 indebtedness, incurred in the repair of the works of said
27 district, caused by such interruption, not to exceed in any
28 one year forty thousand (\$40,000) dollars, may also, in addi-
29 tion to the assessments hereinbefore provided for, be levied
30 by the adoption of a resolution by at least four-fifths of the
31 members of the board of directors, at the time of the levying
32 of the annual assessment provided for in this act, without the

1 submission of the question of such levy to a vote, as in this
2 section hereinbefore provided.

3 RATE OF ASSESSMENT

4 SEC. 97. The rate of assessments levied under the provisions
5 of this act shall be ascertained by deducting fifteen per cent
6 for anticipated delinquencies from the aggregate assessed
7 value of the property in the district as it appears on the
8 assessment roll for the current year, and then dividing the
9 sum voted by the remainder of such aggregate assessed value.
10 The assessment so levied shall be computed and entered on
11 the assessment roll by the secretary of the board, and collected
12 at the same time and in the same manner as other assess-
13 ments provided for herein; and when collected shall be paid
14 into the district treasury for the purposes specified in the
15 notice of such special election.

16 INCURRING INDEBTEDNESS

17 SEC. 98. The board of directors or other officers of the
18 district shall have no power to incur any debt or liability
19 whatever, either by issuing bonds or otherwise, in excess of
20 the express provisions of this act; and any debt or liability
21 incurred in excess of such express provisions shall be and
22 remain absolutely void, except that for the purposes of
23 organization, or for any of the purposes of this act, the board
24 of directors may, before the collection of the first assessment,
25 incur indebtedness in such sum or sums as shall amount to
26 two thousand dollars, or, if the district shall contain more
27 than four thousand acres, to one-half as many dollars as there
28 are acres of land in the district, and may cause warrants of
29 the district to be issued therefor, bearing interest at not more
30 than seven per centum per annum, said rate to be fixed by
31 the board of directors, and all such warrants must be made
32 payable not later than the first day of January after the first
33 assessment shall be levied in the district issuing such war-

1 rants; *and provided, further*, that nothing contained in this
2 section shall be construed as limiting the right of the board
3 to enter into any contract or lease for any lands, waters,
4 water rights or other property, as in this act provided for,
5 and by such lease or contract to bind the district for the pay-
6 ment of the rental or consideration specified in such lease or
7 contract.

8 SEC. 99. Whenever any warrant of the district payable
9 on demand is presented to the treasurer for payment when
10 funds are not available for the payment thereof, it shall
11 thereafter draw interest at a rate to be determined by reso-
12 lution of the board of directors, not, however, to exceed
13 seven per centum per annum, until public notice is given that
14 such funds are available. Upon the presentation of any such
15 warrants for payment, other than warrants issued under the
16 provisions of section 61 hereof, when funds of the district are
17 not available to pay the same, the treasurer of the district
18 shall endorse thereon the words "funds not available for pay-
19 ment," with the date of presentation and shall specify the
20 interest that such warrants shall thereafter bear and shall
21 sign his name thereto. He shall keep a record showing the
22 number and amount of each such warrant, the date of its
23 issuance, the person in whose favor it was issued, and the
24 date of its presentation for payment. Whenever there is suf-
25 ficient money in the treasury to pay all such outstanding
26 warrants presented for payment prior to a certain date, be
27 made and there is sufficient money available for such pay-
28 ments, the treasurer shall give notice in some newspaper pub-
29 lished in the district, or, if none is published therein, then in
30 some newspaper published in the county in which the district
31 or any portion thereof is situated or, if none is published in
32 such county, then the treasurer shall post such notice con-
33 spicuously in the place in which the board of directors of the

1 district holds its regular meetings, stating that he is prepared
2 to pay all warrants of the district for the payment of which
3 funds were not available upon their original presentation, or
4 all such warrants which were presented for payment prior
5 to the date fixed by the board of directors, as the case may
6 be, and no further description of the warrants entitled to
7 payment shall be made in such notice. Upon the presentation
8 of any warrant entitled to payment under the terms of such
9 notice, the treasurer shall pay it, together with interest
10 thereon at the rate specified by the board of directors, from
11 the date of its original presentation for payment to the date
12 of the first publication or posting of said notice, and all war-
13 rants for the payment of which funds are declared in said
14 notice to be available shall cease to draw interest at the time
15 of the first publication or posting of said notice. The treas-
16 urer shall enter in the record hereinbefore required to be
17 kept, the dates of the payment of all such warrants, the names
18 of the persons to whom payments are made and the amount
19 paid to each person.

20 SEC. 100. The board of directors of irrigation districts
21 may acquire, by purchase or condemnation, the irrigation sys-
22 tem, canals and works through which lands in such districts
23 have been or may be supplied with water for irrigation, and
24 may exchange bonds of such irrigation district for such sys-
25 tem or canals or works or for any portion thereof, or for any
26 interest therein or for the capital stock of any corporation
27 owning such system or any portion thereof, upon such terms
28 and conditions as the said board of directors may deem best.

29 SEC. 101. The board of directors of irrigation districts
30 having an area of more than 500,000 acres may acquire, by
31 purchase or condemnation, the irrigation system, canals and
32 works through which lands in such districts have been sup-
33 plied with water for irrigation and where a part of such sys-

tem, canals or works lies outside of the State of Nevada, may exchange bonds of such irrigation district for such system or canals or works or for any portion thereof, whether within Nevada or in such foreign territory, or for any interest therein or for the capital stock of any corporation owning such system or any portion thereof lying outside of the State of Nevada, upon such terms and conditions as the said board of directors may deem best.

SEC. 102. Where the board of directors of an irrigation district have exchanged bonds or have agreed to exchange bonds for property rights in any irrigation system or works or for any interest therein under the provisions of section of this act, the court shall, in any proceeding brought under the provisions of the last section, by its decree determine the validity of all bonds issued or to be issued under any contract or contracts for the exchange of bonds for property interests and by its decree shall determine whether the bonds provided for in said contracts, when delivered to the person or corporation entitled thereto, under the terms of any such contract, shall constitute valid obligations of said irrigation district as against all persons.

SEC. 103. Any one of the several divisions of a district may provide for the construction of local drains, laterals or other improvements, or the replacement or extension of existing works or structures, the benefits of which are limited to such division, in the following manner: Upon presentation to the board of directors of the district of a petition, signed by a majority of the electors of such division representing at least one-half of the total acreage thereof, describing in a general way the local matters proposed to be undertaken and naming two electors of such division for local directors thereof, the board of directors of the district shall consider such petition at a regular meeting and if it finds that the law

1 has been complied with shall approve the same and appoint the
2 electors named in the petition as members of the local board.
3 One shall hold office until his successor is elected at the next
4 biennial district election and qualifies, and the other until
5 his successor is elected at the second biennial district election
6 after his appointment and qualifies. The terms of such local
7 directors shall be determined by lot and their successors shall
8 be elected for four-year terms at the biennial elections. The
9 said two local directors, with the director of the district from
10 that division, shall constitute the local board of such division,
11 and such board may provide for the local undertakings above
12 named; being hereby authorized for that purpose in so far
13 as applicable to exercise the powers and perform the duties
14 granted to or imposed upon the board of directors of the dis-
15 trict in connection with its affairs. Such local board shall
16 thereupon prepare plans and estimates of the local under-
17 takings proposed to be accomplished by such division, stat-
18 ing therein whether the funds therefor are to be raised by a
19 single special assessment or the said board is to be authorized
20 to secure the necessary amounts by way of annual assess-
21 ments extending over a stated number of years, and not in
22 excess of a stated amount per acre; and if the latter method
23 is to be used a general statement of the purposes for which
24 the money is to be raised may be substituted for more explicit
25 plans and estimates. Such plans and estimates or statement
26 shall be filed with the secretary of the district, accompanied
27 by a request of the local board that an election be called in
28 the division to authorize the proposed special assessment or
29 assessments and the construction of the proposed works;
30 thereupon the secretary of the board shall give notice of the
31 purpose, time and place of such election, naming the polling
32 place, and inspectors and clerks of election suggested by the
33 local board; such notice to be published and election to be

1 held, as near as may be, as provided in this act for an election
2 for special assessments in the district. If such election fail
3 of the required two-thirds vote of the electors of the division,
4 the terms of office of the local directors shall thereupon
5 terminate and the said local board shall be dissolved. If
6 the special assessment or assessments and construction of the
7 proposed works be authorized at such election, the local board
8 shall levy such assessments, or, as the case may be, shall pro-
9 ceed to the levying of annual assessments, and a list of such
10 assessments or the first annual assessment, if to be made that
11 year, shall be delivered to the treasurer of the district and
12 by him entered in the assessment book or books thereof, and
13 such assessment or assessments and the collection thereof
14 shall thereafter take the course of assessments of the dis-
15 trict as in this act provided. All the above-described pro-
16 ceedings relating to the local undertakings of a division,
17 including apportionment of benefits for undertakings author-
18 ized by special election, may be confirmed in court as a part
19 of the confirmation proceedings, or upon petition of the
20 board of directors of the division. Each member of the local
21 board of a division shall receive three dollars per day for
22 each day in attending meetings of the board, or while engaged
23 in official business under the order of the board. When the
24 local undertakings above provided for are accomplished and
25 paid for, a showing to that effect shall be made to the board
26 of directors of the district, and upon the approval thereof
27 by such board the terms of office of the local directors shall
28 terminate, and any moneys of such division in the district
29 treasury shall be appropriately credited to the lands of the
30 division in connection with future assessments against such
31 lands.

GOVERNING THE APPORTIONMENT OF WATER

SEC. 104. In case the volume of water in any stream or river shall not be sufficient to supply the continual wants of the entire country through which it passes, and susceptible of irrigation therefrom, then it shall be the duty of the state engineer, constituted as hereinafter provided, to apportion, in a just and equitable proportion, a certain amount of said water upon certain or alternate weekly days to different localities, as they may, in their judgment, think best for the interest of all parties concerned, and with due regard to the legal and equitable rights of all. Said state engineer shall consist of the chairman of the board of directors of each of the districts affected.

SEC. 105. It shall be the duty of the board of directors to keep the water flowing through the ditches under their control to the full capacity of such ditches in times of high water.

SEC. 106. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal, or ditch from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, canal, or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses.

EXEMPTION FROM TAXATION—CREATION OF FUNDS

SEC. 107. The rights of way, ditches, flumes, pipe-lines, dams, water rights, reservoirs, and other property of like character, belonging to any irrigation district, shall not be taxed for state and county or municipal purposes.

SEC. 108. The following funds are hereby created and established, to which the moneys properly belonging shall be

1 apportioned, to wit: Bond Fund, Construction Fund, Gen-
2 eral Fund.

3 SEC. 109. Whenever an object for which money has been
4 specifically provided by assessment or by bond issue has been
5 accomplished and any money provided therefor remains
6 unexpended, the same shall in the discretion of the board of
7 directors be transferred to the general fund and thereafter
8 be available for any of the purposes of this act.

9 CONFIRMATION PROCEEDINGS

10 SEC. 110. The board of directors may, at any time after
11 the issue of any bonds or the levy of any assessment herein
12 provided for, bring an action in the district court of the
13 county wherein is located the office of such board, to deter-
14 mine the validity of any such bonds or such levy of assess-
15 ments; such action shall be in the nature of a proceedings
16 in rem, and jurisdiction of all parties interested may be had
17 by publication of summons for at least once a week for three
18 weeks in some paper of general circulation published in the
19 county where the action is pending, such paper to be desig-
20 nated by the court having jurisdiction of the proceedings.
21 Jurisdiction shall be complete within ten days after the full
22 publication of such summons in the manner herein provided.
23 Anyone interested may at any time before the expiration of
24 said ten days appear and by proper proceedings contest the
25 validity of such bonds or assessments. Such action shall be
26 speedily tried and judgment rendered declaring such matter
27 so contested either valid or invalid. Either party may have
28 the right to appeal to the supreme court at any time within
29 thirty days after the rendition of such judgment, which
30 appeal must be heard and determined within three months
31 from the time of taking such appeal.

32 SEC. 111. If no such proceeding shall have been brought
33 by the board of directors, then, at any time within thirty

1 days after the levy of any assessment or issue of any bonds
2 under the provisions of this act, any district assessment-payer
3 may bring an action in the district court of the county where
4 the office of the board of directors is located, to determine
5 the validity of any such assessment or such bonds. The board
6 of directors shall be made parties defendant, and service of
7 summons shall be made on the members of the board person-
8 ally. Said board shall have the right to appear and contest
9 such action. Such action shall be speedily tried, with the
10 right of appeal to either party, within the time and manner
11 herein provided for the bringing of actions by the board to
12 determine such matters. Such appeal shall be heard and
13 determined in the manner and within the time therein pro-
14 vided.

15 SEC. 112. If more than one action shall be pending at the
16 same time concerning similar contests in this act provided
17 for, they shall be consolidated and tried together.

18 SEC. 113. The court hearing any of the contests herein
19 provided for, in inquiring into the regularity, legality, or
20 correctness of such proceedings, must disregard any error,
21 irregularity, or omission which does not affect the substantial
22 rights of the parties to said action or proceeding. The rules
23 of pleading and practice provided by the civil practice act,
24 which are not inconsistent with the provisions of this act, are
25 applicable to all actions or proceedings herein provided for.
26 The motion for a new trial of any such action or proceeding
27 must be heard and determined within ten days from the filing
28 of the notice of intention. The costs on any hearing or contest
29 herein provided for, may be allowed and apportioned between
30 the parties, or taxed to the losing party, in the discretion of
31 the court.

32 SEC. 114. No contest of anything or matter herein pro-
33 vided shall be made other than within the time and manner

1 herein specified, and in any such action all findings of facts or
2 conclusions of said board of directors, or of the board of
3 county commissioners upon all matters shall be conclusive,
4 unless such action was instituted within six months after
5 such finding or conclusion was made.

6 SEC. 115. For any wilful violation of any express duty
7 herein provided for, on the part of any officer herein named,
8 he shall be liable upon his official bond, and be subject to
9 removal from office, by proceedings brought in the district
10 court of the county wherein the office of the board of direc-
11 tors of the district is located, by any assessment-payer of
12 the district.

13 EXCLUSION OF LANDS

14 SEC. 116. The boundaries of any irrigation district now
15 organized or hereafter organized under the provisions of this
16 act, may be changed, and tracts of land which were included
17 within the boundaries of such district at or after its organiza-
18 tion under the provisions of said act, may be excluded there-
19 from, in the manner herein prescribed; but neither such
20 change of the boundaries of the districts nor such exclusion
21 of lands from the district shall impair or affect its organiza-
22 tion, or its right in or to property, or any of its rights or
23 privileges of whatever kind or nature; nor shall it affect,
24 impair, or discharge any contract, obligation, lien, or charge
25 for or upon which said district was and may become liable
26 or chargeable, had such change of its boundaries not been
27 made, or had not such land been excluded from the district.

28 SEC. 117. The owner or owners in fee of one or more
29 tracts of land which constitute a portion of an irrigation dis-
30 trict may jointly or severally file with the board of directors
31 of the district a petition, praying that such tract or tracts,
32 and any other tracts contiguous thereto, may be excluded and
33 taken from said district. The petition shall state the grounds

1 and reasons upon which it is claimed that such lands should
2 be excluded, and shall describe the boundaries thereof, and
3 also the lands of such petitioner or petitioners which are
4 included within such boundaries; but the description of such
5 lands need not be more particular or certain than is required
6 when the lands are entered in the assessment book by the
7 county assessor. Such petition must be acknowledged in the
8 same manner and form as is required in the case of convey-
9 ance of land, and the acknowledgment shall have the same
10 force and effect as evidence as the acknowledgment of such
11 a conveyance.

12 SEC. 118. The secretary of the board of directors shall
13 cause a notice of the filing of such petition to be published for
14 at least two weeks in some newspaper published in the county
15 where the office of the board of directors is situated, and if
16 any portion of such territory to be excluded lie within
17 another county or counties, then said notice shall be so pub-
18 lished in a newspaper published within each of said counties;
19 or if no newspaper be published therein, then by posting such
20 notice for the same time in at least three public places in said
21 district, and in case of the posting of said notices one of said
22 notices must be so posted on the lands proposed to be
23 excluded. The notice shall state the filing of such petition,
24 the names of the petitioners, a description of the lands men-
25 tioned in said petition, and the prayer of said petition; and
26 it shall notify all persons interested in, or who may be
27 affected by such change of the boundaries of the district, to
28 appear at the office of said board at a time named in said
29 notice, and show cause, in writing, if any they have, why the
30 change of boundaries of said district, as proposed in such
31 petition, should not be made. The time to be specified in the
32 notice at which they shall be required to show cause shall be

1 the regular meeting of the board next after the expiration
2 of the time for the publication of the notice.

3 SEC. 119. The board of directors, at the time and place
4 mentioned in the notice, or at the time or times to which the
5 hearing of said petition may be adjourned, shall proceed to
6 hear the petition, and all evidence or proofs that may or
7 shall be introduced by or on behalf of the petitioner or peti-
8 tioners, and all objections to such petition that may or shall
9 be presented in writing by any person showing cause as
10 aforesaid, and all evidence and proofs that may be intro-
11 duced in support of such objections. Such evidence shall be
12 taken down in shorthand, and a record made thereof and
13 filed with the board. The failure of any person interested in
14 said district, other than the holders of bonds thereof out-
15 standing at the time of the filing of said petition with said
16 board, to show cause, in writing, why the tract or tracts of
17 land mentioned in said petition should not be excluded from
18 said district, shall be deemed and taken as an assent by him
19 to the exclusion of such tract or tracts of land, or any part
20 thereof from said district; and the filing of such petition
21 with said board, as aforesaid, shall be deemed and taken as
22 an assent by each and all of such petitioners to the exclusion
23 from such district of the lands mentioned in the petition, or
24 any part thereof. The expenses of giving said notice and of
25 the aforesaid proceeding shall be paid by the person or per-
26 sons filing such petition.

27 SEC. 120. If, upon the hearing of any such petition, no
28 evidence or proofs in support thereof be introduced, or if
29 the evidence fail to sustain said petition, or if the board
30 deem it not for the best interest of the district that the lands,
31 or some portion thereof, mentioned in the petition, should be
32 excluded from the district, the board shall order that said
33 petition be denied as to such lands; but if the said board

1 deem it for the best interest of the district that the lands
2 mentioned in the petition, or some portion thereof, be
3 excluded from the district, and if no person interested in
4 the district show cause in writing why the said lands, or some
5 portion thereof, should not be excluded from the district, or
6 if, having shown cause, withdraws the same, or upon the
7 hearing fails to establish such objections as he may have
8 made, then it shall be the duty of the board to, and it shall
9 forthwith, make an order that the lands mentioned and
10 described in the petition, or some defined portion thereof, be
11 excluded from said district; *provided*, that it shall be the
12 duty of said board to so order, upon petition therefor as
13 aforesaid, that all lands so petitioned to be excluded from
14 said district shall be excluded therefrom, which cannot be
15 irrigated from, or which are not susceptible to, irrigation
16 from a common source or by the same system of works with
17 the other lands of said district, or from the source selected,
18 chosen, or provided, or the system adopted for the irrigation
19 of the lands in said district, or which are already irrigated,
20 or entitled to be irrigated, from another source or by another
21 system of irrigation works; *provided*, that no land irrigated
22 by means of water, pumped from an underground source or
23 sources shall be entitled to exclusion from any irrigation dis-
24 trict on account of being so irrigated, if it shall be shown
25 that such land is or will be substantially benefited by sub-
26 irrigation from the works of said district or by drainage
27 works provided or required by law to be provided by said
28 district, but no owner of land in any irrigation district shall
29 be required to pay any assesment except for the payment
30 of interest and principal due on bonds of the district, on any
31 land in such district which, when the district was organized,
32 was irrigated by means of water pumped from an under-

1 ground source or sources and has continued each year to be
2 irrigated exclusively by such means.

3 SEC. 121. If there be outstanding bonds of the district at
4 the time of the filing of said petition, the holders of such out-
5 standing bonds may give their assent, in writing, to the effect
6 that they severally consent that the lands mentioned in the
7 petition, or such portion thereof as may be excluded from
8 said district by order of said board, or the decree of the
9 district court as hereinafter provided, may be excluded from
10 the district; and if said lands or any portion thereof, be there-
11 after excluded from the district, the lands so excluded shall
12 be released from the lien of such outstanding bonds. The
13 assent must be acknowledged by the several holders of such
14 bonds in the same manner and form as is required in case of
15 a conveyance of land, and the acknowledgment shall have
16 the same force and effect as evidence as the acknowledgment
17 of such conveyance. The assent shall be filed with the board,
18 and must be recorded in the minutes of the board; and said
19 minutes, or a copy thereof, certified by the secretary of said
20 board, shall be admissible in evidence, with the same effect
21 as the said assent, and such certified copy thereof may be
22 recorded in the office of the county recorder of the county
23 wherein said lands are situated.

24 SEC. 122. In the event that said board of directors shall
25 exclude any lands from said district upon petition therefor,
26 it shall be the duty of the board of directors to make an
27 entry in the minutes of the board, describing the boundaries
28 of the district, should the exclusion of said lands from said
29 district change the boundaries of said district, and for that
30 purpose the board may cause a survey to be made of such
31 portions of the district as the board may deem necessary; and
32 a certified copy of the entry in the minutes of the board
33 excluding any land, certified by the president and secretary

1 of the board, shall be filed for record in the recorder's office
2 of each county within which are situated any of the lands of
3 the district; but said district, notwithstanding such exclu-
4 sion, shall be and remain an irrigation district as fully, to
5 every intent and purpose, as it would be had no change been
6 made in the boundaries of the district, or had the lands
7 excluded therefrom never constituted a portion of the dis-
8 trict.

9 SEC. 123. If the lands excluded from any district under
10 this act shall embrace the greater portion of any division or
11 divisions of such district, then the office of director for such
12 division or divisions shall become and be vacant at the expira-
13 tion of ten days from the final order of the board excluding
14 said lands; and such vacancy or vacancies shall be filled by
15 appointment by the board of county commissioners of the
16 county where the office of such board is situated, from the
17 district at large. A director appointed as above provided,
18 shall hold his office until the next regular election for said dis-
19 trict, and until his successor is elected and qualified.

20 SEC. 124. At least thirty days before the next general
21 election of such district, the board of directors thereof shall
22 make an order dividing said district into three or five divi-
23 sions, as the case may require, as nearly equal in size as may
24 be practicable, which shall be numbered first, second, third,
25 and so on, and one director shall be elected by each division.
26 For the purposes of elections in such district, the said board
27 of directors must establish a convenient number of election
28 precincts, and define the boundaries thereof, which said pre-
29 cincts may be changed from time to time, as the board of
30 directors may deem necessary.

31 SEC. 125. A guardian and executor, or an administrator
32 of an estate, who is appointed as such under the laws of this
33 state, and who, as such guardian, executor, or administrator,

1 is entitled to the possession of the lands belonging to the
2 estate which he represents, may, on behalf of his ward, or the
3 estate which he represents, upon being thereto properly
4 authorized by the proper court, sign and acknowledge the
5 petition in this act mentioned, and may show cause, as in
6 this act provided, why the boundaries of the district should
7 not be changed.

8 SEC. 126. Nothing in this act provided shall, in any man-
9 ner, operate to release any of the lands so excluded from the
10 district from any obligation to pay, or any lien thereon, of
11 any valid outstanding bonds or other indebtedness of said
12 district at the time of the filing of said petition for the exclu-
13 sion of said lands, but upon the contrary, said lands shall be
14 held subject to said lien, and answerable and chargeable for
15 and with the payment and discharge of all of said outstand-
16 ing obligations at the time of the filing of the petition for the
17 exclusion of said land, as fully as though said petition for
18 such exclusion were never filed and said order or decree of
19 exclusion never made; and for the purpose of discharging
20 such outstanding indebtedness, said lands so excluded shall
21 be deemed and considered as part of said irrigation district
22 the same as though said petition for its exclusion had never
23 been filed or said order or decree of exclusion never made;
24 and all provisions which may have been resorted to to compel
25 the payment by said lands of its quota or portion of said out-
26 standing obligations, had said exclusion never been accom-
27 plished, may, notwithstanding said exclusion, be resorted to
28 to compel and enforce the payment on the part of said lands
29 of its quota and portion of said outstanding obligation of
30 said irrigation district for which it is liable, as herein pro-
31 vided. But said land so excluded shall not be held answerable
32 or chargeable for any obligation of any nature or kind what-
33 ever, incurred after the filing with the board of directors of

1 said district of the petition for the exclusion of said lands
2 from the said district; *provided*, that the provisions of this
3 section shall not apply to any outstanding bonds, the holders
4 of which have assented to the exclusion of such lands from
5 said district, as herein provided.

6 INCLUSION OF LANDS

7 SEC. 127. The boundaries of any irrigation district now
8 organized or hereafter organized under the provisions of this
9 act may be changed in the manner herein prescribed; but such
10 change of the boundaries of the district shall not impair or
11 affect its organization, or its rights in or to property or any
12 of its rights or privileges of whatsoever kind or nature; nor
13 shall it affect, impair, or discharge any contract, obligation,
14 lien or charge for or upon which it was or might become liable
15 or chargeable, had such change of its boundaries not been
16 made.

17 SEC. 128. The holder or holders of title, or evidence of
18 title, representing one-half or more of any body of lands
19 adjacent to the boundary of an irrigation district, which are
20 contiguous, and which, taken together, constitute one tract of
21 land, may file with the board of directors of said district a
22 petition, in writing, praying that the boundaries of said dis-
23 trict may be so changed as to include therein said lands. The
24 petition shall describe the boundaries of said parcel or tract
25 of land, and shall also describe the boundaries of the several
26 parcels owned by the petitioners, if the petitioners be the
27 owners, respectively, of distinct parcels, but such descrip-
28 tions need not be more particular than they are required to
29 be when such lands are entered by the county assessor in the
30 assessment book. Such petition must contain the assent of
31 the petitioners to the inclusion within said district of the
32 parcels or tracts of land described in the petition, and of
33 which said petition alleges they are, respectively, the owners;

1 and it must be acknowledged in the same manner that con-
2 veyances of land are required to be acknowledged.

3 SEC. 129. The secretary of the board of directors shall
4 cause a notice of the filing of such petition to be given and
5 published in the same manner and for the same time that
6 notices of special elections for the issue of bonds are required
7 by this act to be published. The notice shall state the filing
8 of such petition and the names of the petitioners, a descrip-
9 tion of the lands mentioned in said petition, and the prayer
10 of said petition; and it shall notify all persons interested in,
11 or that may be affected by such change of the boundaries of
12 the district, to appear at the office of said board, at a time
13 named in said notice, and show cause in writing, if any they
14 have, why the change in the boundaries of said district, as
15 proposed in said petition, should not be made. The time to
16 be specified in the notice at which they shall be required to
17 show cause shall be the regular meeting of the board next
18 after the expiration of the time for the publication of the
19 notice. The petitioners shall advance to the secretary suf-
20 ficient money to pay the estimated cost of all proceedings
21 under this act.

22 SEC. 130. The board of directors, at the time and place
23 mentioned in the said notice, or at such other time or times
24 to which the hearing of said petition may be adjourned, shall
25 proceed to hear the petition, and all the objections thereto,
26 presented in writing by any person showing cause as afore-
27 said, why said proposed change of the boundaries of the
28 district should not be made. The failure by any person
29 interested in said district or in the matter of the proposed
30 change of its boundaries to show cause, in writing, as afore-
31 said, shall be deemed and taken as an assent on his part to a
32 change of the boundaries of the district as prayed for in
33 said petition, or to such a change thereof as will include a

1 part of said lands. And the filing of such petition with said
2 board, as aforesaid, shall be deemed and taken as an assent
3 on the part of each and all of such petitioners to such a
4 change of said boundaries that they may include the whole
5 or any portion of the lands described in said petition.

6 SEC. 131. The board of directors to whom such petition
7 is presented, may require as a condition precedent to the
8 granting of the same, that the petitioners shall severally pay
9 to such district such respective sums, as nearly as the same
10 can be estimated (the several amounts to be determined by
11 the board), as said petitioners or their grantors would have
12 been required to pay to such district as assessments, had such
13 lands been included in such district at the time the same was
14 originally formed.

15 SEC. 132. If the board of directors deem it for the best
16 interest of the district that the boundaries of said district be
17 changed and if no person interested in said district or the
18 proposed change of its boundaries show cause, in writing,
19 why the proposed change should not be made, or, having
20 shown cause, withdraws the same, the board shall order that
21 the boundaries of the district be so changed as to include
22 therein the lands mentioned in said petition or some part
23 thereof. The order shall describe the boundaries as changed
24 and shall also describe the entire boundaries of the district
25 as they will be after the change thereof as aforesaid is made;
26 and for that purpose the board may cause a survey to be
27 made of such portions of such boundary as is deemed neces-
28 sary; *provided, however*, that any public land of the United
29 States of America adjoining the boundaries of any irrigation
30 district may be included within the boundaries of any such
31 irrigation district by order or resolution of the board of
32 directors of such district without any petition being filed
33 asking for such inclusion; *and provided, further*, that when

1 additional land is included within any irrigation district and
2 the board of directors of such district finds either that such
3 inclusion without condition would work an injury to the land
4 already in the district either by an impairment of water
5 right or by requiring a greater expense for furnishing water
6 to the lands proposed to be included, the board may prescribe
7 conditions upon such inclusion of land, either by providing
8 for priority of right to water or for the payment of an addi-
9 tional annual charge or such other conditions as may to the
10 board seem just. If such inclusion is upon petition of prop-
11 erty owners all such property owners must sign and acknowl-
12 edge an agreement with the district, specifying such condi-
13 tions and describing the land so to be included. Such agree-
14 ment must be recorded in the office of the county recorder of
15 the county in which such lands are situated, together with a
16 certified copy of the order including such lands, and there-
17 upon such lands shall become a part of such irrigation dis-
18 trict subject to such conditions.

19 SEC. 133. If any person interested in said district or the
20 proposed change of its boundaries shall show cause as afore-
21 said why such boundaries should not be changed and shall
22 not withdraw the same or if the board of directors deem it
23 not for the best interests of the district that the boundaries
24 thereof be changed so as to include therein the lands men-
25 tioned in the petition or some part thereof, the board shall
26 adopt a resolution to that effect. The resolution shall
27 describe the exterior boundaries of the land which will be
28 included within the boundaries of the district when changed,
29 but before calling the election provided for in the next section
30 the board may require an undertaking, with sufficient sure-
31 ties, from the petitioners that they will pay all of the cost of
32 holding such election for the inclusion of such lands in case
33 such inclusion should be denied.

1 SEC. 134. Upon the adoption of the resolution mentioned
2 in the last preceding section, the board shall order that an
3 election be held within said district, to determine whether
4 the boundaries of the district shall be changed as mentioned
5 in said resolution; and shall fix the time at which such elec-
6 tion shall be held, and cause notice thereof to be given and
7 published. Such notice shall be given and published, and
8 such election shall be held and conducted, the returns thereof
9 shall be made and canvassed, and the result of the election
10 ascertained and declared, and all things pertaining thereto
11 conducted in the manner prescribed by said act in case of a
12 special election to determine whether bonds of an irrigation
13 district shall be issued. The ballots cast at said election shall
14 contain the words "For change of boundary," or "Against
15 change of boundary," or words equivalent thereto. The
16 notice of election shall describe the proposed change of the
17 boundaries in such manner and terms that it can readily be
18 traced.

19 SEC. 135. If at such election a majority of all the votes
20 cast at said election shall be against such change of the
21 boundaries of the district, the board shall order that said
22 petition be denied, and shall proceed no further in that mat-
23 ter. But if a majority of such votes be in favor of such
24 change of the boundaries of the district, the board shall
25 thereupon order that the boundaries be changed in accor-
26 dance with said resolution adopted by the board. The said
27 order shall describe the entire boundaries of said district, and
28 for that purpose the board may cause a survey of such por-
29 tions thereof to be made as the board may deem necessary.

30 SEC. 136. Upon a change of the boundaries of a district
31 being made, a copy of the order of the board of directors
32 ordering such change, certified by the president and secretary
33 of the board, shall be filed for record in the recorder's office

1 of each county within which are situated any of the lands
2 of the district, and thereupon the district shall be and remain
3 an irrigation district as fully, and to every intent and pur-
4 pose, as if the lands which are included in the district by the
5 change of boundaries, as aforesaid, had been included therein
6 at the original organization of the district.

7 SEC. 137. Upon the filing of the copies of the order, as in
8 the last preceding section mentioned, the secretary shall
9 record in the minutes of the board the petition aforesaid;
10 and the said minutes, or certified copy thereof, shall be admis-
11 sible in evidence, with the same effect as the petition.

12 SEC. 138. A guardian, an executor, or an administrator of
13 an estate, who is appointed as such under the laws of this
14 state, and who, as such guardian, executor, or administrator,
15 is entitled to the possession of the lands belonging to the
16 estate which he represents, may, on behalf of his ward, or
17 the estate which he represents, upon being thereunto author-
18 ized by the proper court, sign and acknowledge the petition
19 in this act mentioned, and may show cause, as in this act
20 mentioned, why the boundaries of the district should not be
21 changed.

22 SEC. 139. In case of the inclusion of any land within any
23 district by proceeding under this act, the board of directors
24 must, at least thirty days prior to the next succeeding general
25 election, make an order redividing each district into three or
26 five divisions, as the case may require, as nearly equal in size
27 as may be practicable, which shall be numbered first, second,
28 third, and so on, and one director shall thereafter be elected
29 by each division. For the purposes of elections, the board of
30 directors must establish a convenient number of election pre-
31 cincts in said districts, and define the boundaries thereof,
32 which said precincts may be changed from time to time, as
33 the board may deem necessary.

REDUCTION OF BONDED INDEBTEDNESS

SEC. 140. Whenever the board of directors of an irrigation district heretofore organized, or hereafter organized under the provisions of this act, shall determine that the authorized bonded indebtedness of such irrigation district is greater than such district is liable to need to complete its system as planned, and there be no outstanding bonds, the board of directors may call a special election for the purpose of voting upon a proposition to reduce such bonded indebtedness to such sum as the board may determine to be sufficient for such purpose.

SEC. 141. Notice of the said election shall be given in the same manner as provided in section thirty of said act, in relation to calling special elections for issuance of bonds. The notice of election must state the amount of the authorized bonded indebtedness of such district, and the amount to which it is proposed to reduce the same; also, the date on which said election will be held, and the polling places, as established by said board of directors. The ballots cast at said election shall contain the words "For reducing bonds—Yes," or "For reducing bonds—No." When the vote is canvassed by the board of directors and entered of record, if a majority of the votes cast shall be "For reducing bonds—Yes," then in that event the board of directors shall only be empowered to issue or sell such amount of bonds as was stipulated in the said notice of such special election; but if a majority of votes are not "For reducing bonds—Yes," then the authority to issue bonds shall remain the same as before said special election was held.

SEC. 142. In case there be outstanding bonds of any district desiring to take advantage of the provisions of this act concerning reduction of bonded indebtedness, the assent of such bondholders may be obtained to such reduction of the

1 bonded indebtedness, in the same manner as provided in sec-
2 tion 79 of this act. If such assent is obtained in the manner
3 therein provided, then, and in that event, such district shall
4 be empowered to take advantage of all the provisions of this
5 act, but not otherwise. No reduction of the bonded indebted-
6 ness, as in this act provided, shall in any manner affect any
7 order of court that may have been made, adjudicating and
8 confirming the validity of said bonds.

9 LEASE OF WATER FOR MECHANICAL PURPOSES

10 SEC. 143. Whenever any irrigation district, heretofore
11 organized, or hereafter organized under the provisions of this
12 act, in the development of its works as by law provided, may
13 have opportunity without increased expenditure, to utilize
14 the water by it owned or controlled, for mechanical purposes
15 not inconsistent with the provisions of said act, the board of
16 directors may lease the same, as in this act hereinafter
17 provided.

18 SEC. 144. Whenever the board of directors may desire
19 to lease the use of water, as hereinbefore stated, they shall
20 pass a resolution of intention to so lease the same. Immedi-
21 ately thereafter the secretary shall cause notice of such inten-
22 tion to be given by publication in one newspaper published
23 in each county in which lands of the district are situated, for
24 at least twenty days (provided, a newspaper is published
25 therein, otherwise in any newspaper the board of directors
26 may select), and, if the board thinks proper, in such other
27 newspaper as may be deemed advisable, calling for bids for
28 the leasing of said water for the purposes hereinbefore men-
29 tioned. Said notice shall state that the board will receive
30 sealed proposals therefor, that the lease will be let to the
31 highest responsible bidder, stating the time and place of
32 opening said proposals.

33 SEC. 145. At the time and place appointed the board shall

1 proceed to open the proposals in public. As soon thereafter
2 as may be convenient the board shall let said lease in portions,
3 or as a whole, to the highest responsible bidder, or they may
4 reject any and all bids, and readvertise for proposals for
5 the same.

6 SEC. 146. The rental accruing upon said lease may vary
7 from year to year, as shall be specified in said lease, and shall
8 be payable semiannually, on the thirteenth day of December
9 and thirtieth day of June, of each year. All moneys collected,
10 as in this act provided, shall be paid into the treasury, and be
11 apportioned to such funds as may be deemed advisable.

12 SEC. 147. The board shall have power, as in this act pro-
13 vided, to execute a lease for any period not exceeding twenty-
14 five years. If at any time the rental shall not be paid on
15 the days hereinbefore mentioned, the amount of such rental
16 then due shall be doubled, and if not paid within ninety days
17 thereafter, the said lease shall be forfeited to said district,
18 together with any and all works constructed, owned, used, or
19 controlled by said lessee.

20 SEC. 148. Upon the letting of any lease, as in this act
21 provided, the board may require the lessee to execute a bond
22 for the faithful performance of the covenants of said lease,
23 or give such other evidence of good faith as in their judgment
24 may be necessary.

25 DESTRUCTION OF UNSOLD BONDS

26 SEC. 149. Whenever there remains in the hands of the
27 board of directors of any irrigation district heretofore organ-
28 ized, or organized under the provisions of this act, after the
29 completion of its ditch system, and the payment of all
30 demands against such district, any bonds voted to be issued
31 by said district, but not sold, and not necessary to be sold
32 for the raising of funds for the use of such district, said
33 board of directors may call a special election for the purpose

1 of voting upon a proposition to destroy said unsold bonds,
2 or so many of them as may be deemed best, or may submit
3 such proposition at a general election.

4 SEC. 150. Such election shall be held in the same manner
5 as other elections held under the provisions of this act. A
6 notice of such election shall be given in the same manner as
7 provided in section thirty of this act in relation to calling
8 special elections for the issuance of bonds. The notice of
9 election must state the amount of the bonded indebtedness of
10 such district authorized by the vote of the district, the
11 amount of the bonds remaining unsold, and the amount pro-
12 posed to be destroyed, and the date on which such election is
13 proposed to be held, and the polling places as fixed by the
14 board of directors. The ballots to be cast at such election
15 shall contain the words "For destroying bonds—Yes," and
16 "For destroying bonds—No," and the voter must erase the
17 word "No" in case he favors the destruction of bonds, other-
18 wise the word "Yes."

19 SEC. 151. When the vote is canvassed by the board of
20 directors and entered of record, if a two-thirds majority of
21 the votes cast should be found to be in favor of the destruc-
22 tion of said bonds, then the president of the board, in the
23 presence of the majority of the members of the board, must
24 destroy the bonds so voted to be destroyed; and the total
25 amount of bonds so destroyed and canceled shall be deducted
26 from the sum authorized to be issued by the electors of said
27 district, and no part thereof shall thereafter be reprinted or
28 reissued.

29 SEC. 152. In addition to the powers with which irrigation
30 districts are or may be vested under the laws of the state,
31 irrigation districts shall have the following powers: To
32 cooperate and contract with the United States under the
33 federal reclamation act of June 17, 1902, and all acts amenda-

1 tory thereof or supplementary thereto, or any other act of
2 Congress heretofore or hereafter enacted authorizing or per-
3 mitting such cooperation, for purposes of construction of
4 works, whether for irrigation or drainage, or both, or for the
5 acquisition, purchase, extension, operation, or maintenance of
6 constructed works, or for a water supply, or for the assump-
7 tion as principal or guarantor of indebtedness to the United
8 States on account of district lands or for the collection of
9 moneys due the United States as fiscal agents or otherwise.

10 SEC. 153. The board of directors shall generally perform
11 all such acts as shall be necessary to carry out the enlarged
12 powers in this act enumerated. Said board may enter into
13 obligations or contracts with the United States for the afore-
14 said purposes, and may provide therein for the delivery and
15 distribution of water to the lands of such district under the
16 aforesaid acts of Congress and the rules and regulations
17 established thereunder. The contract may provide for the
18 conveyance to the United States as partial consideration for
19 the privileges obtained by the district under said contract
20 of water rights or other property of the district; and in
21 case contract has been or may hereafter be made with the
22 United States as herein provided bonds of the district may
23 be transferred to or deposited with the United States, if so
24 provided by said contract and authorized as hereinafter set
25 forth, at not less than ninety-five per cent of their par value
26 to the amount to be paid by the district to the United States
27 or any part thereof; the interest, or principal, or both, of
28 said bonds to be raised by assessment and levy as hereinafter
29 prescribed and to be regularly paid to the United States and
30 applied as provided in said contract. Bonds transferred to
31 or deposited with the United States may call for the pay-
32 ment of such interest, not exceeding six per cent per annum,
33 may be of such denomination, and may call for the repay-

1 ment of the principal at such times as may be agreed upon
2 between the board and the secretary of the interior. The con-
3 tract with the United States may likewise call for the pay-
4 ment of the amount or amounts to be paid by the district
5 to the United States or any part thereof at such times and
6 in such installments and with such interest charges not
7 exceeding the aforesaid rate as may be agreed upon, and
8 for assessment and levy therefor as hereinafter provided,
9 and the obligations of such contracts shall be a prior lien to
10 any subsequent bond issue. Moreover the board may accept
11 on behalf of the district appointment of the district as fiscal
12 agent of the United States, or authorization of the district
13 by the United States to make collection of moneys for or on
14 behalf of the United States in connection with any federal
15 reclamation project, whereupon the district shall be author-
16 ized so to act and to assume the duties and liabilities incident
17 to such action, and the said board shall have full power to
18 do any and all things required by the federal statutes now
19 or hereafter enacted in connection therewith, and all things
20 required by the rules and regulations now or that may here-
21 after be established by any department of the federal govern-
22 ment in regard thereto. Districts cooperating with the
23 United States may rent or lease water to private lands,
24 entrymen, or municipalities in the neighborhood of the dis-
25 trict in pursuance of contract with the United States.

26 SEC. 154. Any proposal to enter into a contract with the
27 United States for the repayment of construction moneys, the
28 cost of a water supply, the operation and maintenance of
29 existing works, or the acquisition of property, and to issue
30 bonds if any be proposed, shall be voted upon at an election
31 wherein proceedings shall be had in so far as applicable in
32 the manner provided in the case of the ordinary issuance of
33 district bonds. Notice of the election herein provided for

1 shall contain, in addition to the information required in the
2 case of ordinary bond election, a statement of the maximum
3 amount of money to be payable to the United States for con-
4 struction purposes, costs of water supply and acquisition of
5 property, exclusive of penalties and interest, together with a
6 general statement of the property, if any, to be conveyed by
7 the district as hereinabove provided. The ballots at such elec-
8 tion shall contain a brief statement of the general purpose of
9 said contract and the amount of the obligation to be assumed,
10 as aforesaid, with the words "Contract—Yes," and "Contract
11 —No," or "Contract and bonds—Yes," and "Contract and
12 bonds—No," as the case may be. The board of directors may
13 submit any such contract or proposed contract and bond
14 issue, if any, to the district court of the county wherein is
15 located the office of said board to determine the validity
16 thereof and the authority of the board to enter into such
17 contract, and the authority for and the validity of the issuance
18 and deposit or transfer of said bonds; whereupon the same
19 proceedings shall be had as in the ordinary case of the judi-
20 cial determination of the validity of bonds and with like
21 effect.

22 SEC. 155. All water delivered to the district or the right
23 to the use of which is acquired by the district, under any
24 contract with the United States, shall be distributed and
25 apportioned by the district in accordance with the acts of
26 Congress applicable thereto, the rules and regulations of the
27 secretary of the interior thereunder, and the provisions of
28 said contract, and provision may be made in the contract
29 between the district and the United States for the refusal
30 of water service to any or all lands which may become
31 delinquent in the payment of any assessment, toll or charge
32 levied or imposed for the purpose of carrying out any con-
33 tract between the district and the United States. In case of

1 contract with the United States under which the district
2 assumes the operation and maintenance of the existing works,
3 assessments, tolls and charges may be levied or imposed by
4 the board of directors, as provided in this act to raise the
5 sums required annually therefor, including amounts due
6 the United States under said contract.

7 SEC. 156. Any rights of way or other property owned or
8 acquired by the district may be conveyed by the board to
9 the United States in so far as the same may be needed for
10 the construction, operation and maintenance of works by the
11 United States pursuant to this act.

12 SEC. 157. All payments due or to become due to the United
13 States under any contract between the district and the
14 United States, including such payments of interest and
15 principal on bonds as may be required in connection with
16 a deposit or transfer thereof to the United States, shall be
17 paid, unless otherwise provided by contract, by revenue
18 derived from annual assessments, apportioned as herein-
19 after prescribed, and levies thereof upon such real property
20 within the district as may be accessible for district purposes
21 under the laws of the state or by tolls and charges as the
22 case may be, and such real property shall be and remain
23 liable to be assessed and levied upon for such payments as
24 herein provided. It shall be the duty of the board of direc-
25 tors annually to levy an assessment, or to impose and cause
26 to be collected tolls or charges sufficient to raise the money
27 necessary to meet all payments when due as provided in the
28 contract. All money collected in pursuance of such con-
29 tract by assessment and levies otherwise, and to be paid to
30 the United States, shall be paid into the district treasury
31 and held in a fund to be known as the "United States Con-
32 tract Fund," to be used for payments due to the United
33 States under any such contract. Public lands of the United

1 States within any district shall be subject to assessment
2 for all purposes of this act to the extent provided for by the
3 act of Congress approved August 11, 1916, entitled "An act
4 to promote reclamation of arid lands," or any other law
5 which may hereafter be enacted by Congress in the same rela-
6 tion, upon full compliance therewith by the district. Noth-
7 ing in this act contained shall be construed to relieve the
8 district from obligation to pay as a district in case of default
9 of any land, unless so provided by the said contract between
10 the district and the United States.

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11 SEC. 158. The board may also provide by contract with the
12 United States for the release of mortgages or liens given or
13 reserved to the United States upon district lands, and may
14 provide for the assumption by the district, either as princi-
15 pal or guarantor, of indebtedness to the United States on
16 account of district lands, and apportion to each tract of land
17 so released, benefits in the amount of the obligations to the
18 United States so provided to be released; and the contract
19 between the district and the United States may provide for
20 the collection and payment of indebtedness so incurred or
21 assumed by the district and the tax or assessment for the
22 same at the same times and in the same amounts or install-
23 ments provided in the federal reclamation laws, and if so pro-
24 vided in the contract, such taxes and assessments shall
25 become delinquent at the same dates provided in the act of
26 Congress of August 13, 1914 (38 Stats. 686), known as the
27 reclamation extension act, and in that event, if it be provided
28 in the contract that the United States waives any penalties
29 for delinquency other or greater than those named in the
30 said act of Congress of August 13, 1914, then, instead of the
31 penalties otherwise provided in state laws, the penalties for
32 delinquency in the payment of that part of the tax repre-
33 senting the special assessment for payment of the obligations

1 of the district to the United States shall be the penalties
2 named in the said act of Congress of August 13, 1914, and
3 the amount required to be paid in case of any redemption
4 from any tax sale or tax judgment shall be determined by
5 figuring the part thereof due to the United States upon the
6 basis of the amount of such special assessment levied for the
7 purpose of paying the United States plus the penalties
8 named in said act of Congress of August 13, 1914. And the
9 said board shall have full power to do any and all things
10 required by the federal statutes now or hereafter enacted in
11 connection therewith, and all things required by the rules
12 and regulations now or that may hereafter be established by
13 any department of the federal government in regard thereto.

14 SEC. 159. The assessment required in any year to meet the
15 payment due to the United States under the contract as in
16 this act provided may be in accord with an apportionment
17 of benefits made in or in pursuance of such contract and in
18 the ascertainment of such benefits there shall be taken into
19 account the provisions of the contract between the United
20 States and the district, the federal laws applicable thereto,
21 and the notice and regulations issued in pursuance of said
22 laws, and in case such contract is for the assumption by the
23 district as principal or guarantor of indebtedness to the
24 United States theretofore existing on account of district
25 lands, there shall be further taken into account the provision
26 of existing contracts carrying such indebtedness and the
27 amounts of such liens as may be released in pursuance of
28 the contract between the United States and the district.

29 SEC. 160. Where contract shall have been entered into
30 between the United States and any irrigation district the dis-
31 trict shall not be dissolved, nor shall the boundaries be
32 changed, except upon written consent of the secretary of the
33 interior, filed with the official records of the district. If such

1 consent be given and lands be excluded, the areas excluded
2 shall be free from all liens and charges for payments to
3 become due to the United States. The board of directors of a
4 district is hereby relieved from the duties imposed upon it
5 in sections 15 and 30 of this act in so far as the same may
6 not be required in case of contract between the district and
7 the United States, and in that relation may take advantage
8 of or adopt such surveys and plans as may have been or be
9 made by the United States.

10 SEC. 161. When an irrigation district comprises lands
11 which are served by works constructed by the United States
12 and the portion of such works situated in a division of the
13 district may be regarded as a separate unit of the larger
14 system for operation and maintenance purposes, or when
15 local drains, laterals, or other improvements may be provided
16 as additions to such works and constitute benefits limited to
17 such division, or when the replacement or extension of such
18 works or some part thereof would constitute benefits limited
19 to such division, a petition signed by the requisite number
20 of electors of such division may be presented to the board of
21 directors of the district and a local board of directors of such
22 division created as provided in this act; whereupon such
23 board of directors shall have the power to contract with the
24 United States for the operation of the existing system afore-
25 said, or for the construction either by such division or by
26 the United States of local drains, laterals or other improve-
27 ments and for the operation and maintenance thereof, or
28 for the replacement or extension of existing works or struc-
29 tures and for the operation and maintenance thereof or any
30 separate part of the same; *provided*, that such contract shall
31 first be authorized by a special election held for the purpose
32 in such division and for the purpose of authorizing the local
33 board of directors to levy an assessment or assessments, as

1 provided in this act, to secure the moneys required to carry
2 out said contract, including the amounts that will be due
3 the United States thereunder and that will be required for
4 the construction of the proposed local drains, laterals, or
5 other improvements, or for the replacement and extension
6 of existing works or structures. Where it is proposed that a
7 division shall assume only the operation and maintenance of
8 existing works an election shall be held upon the contract in
9 the same manner, but the local board of directors, after said
10 contract is made in pursuance of the authority granted in
11 such election, shall have the power to levy assessments or
12 impose tolls and charges annually or otherwise to raise the
13 amounts necessary to carry out said contract and to operate
14 and maintain said works, including amounts to be paid to
15 the United States under said contract, in the same manner
16 and to the same effect as can be done by the board of direc-
17 tors of the district under the provisions of this act. Where
18 local drains, laterals or improvements are to be constructed,
19 or existing works or structures replaced or extended, and
20 are thereafter to be operated and maintained by the division,
21 the local board shall have similar power to levy assessments
22 and to impose tolls or charges to raise the money required
23 for such operation and maintenance, including amounts due
24 the United States in that relation. The works described
25 in the contract with the United States shall be constructed,
26 replaced or extended by such local board of directors, and
27 the money raised by such special assessment therefor or for
28 the operation and maintenance thereof shall be collected,
29 kept and disbursed, and the apportionment of benefits made,
30 as in this act provided when a division of the district is
31 authorized to provide for local undertakings, the benefits
32 of which are limited to such division; *provided*, that the pro-
33 visions of this act relating to cooperation between a district

1 and the United States, including those relating to the dis-
2 tribution and apportionment of water and the apportionment
3 of benefits, shall apply in case of contract between the United
4 States and a division of a district in so far as applicable. The
5 execution of such contract with the United States and all pro-
6 ceedings ancillary thereto may be confirmed in court as a
7 part of the confirmation proceedings instituted by the dis-
8 trict, or upon petition by the board of directors of the
9 division.

10 SEC. 162. When an irrigation district comprises lands
11 which are or may be served by works constructed by the
12 United States, and a contract is proposed to be entered into
13 with the United States for the operation and maintenance by
14 the district of the existing works, or for the construction of
15 a drainage system or other extension or improvement of such
16 works, and the lands in a division of the district may be
17 regarded as clearly outside the scope of such contract, the
18 election thereon and for the authorization of the program or
19 undertaking contemplated thereby may be confined to the
20 remaining portion of the district exclusive of such division,
21 and the apportionment of the benefits may be made accord-
22 ingly; otherwise the proceedings in connection with such
23 contract and the program or undertaking contemplated
24 thereby shall be as heretofore provided in this act.

25 SEC. 163. In any case where an irrigation district is
26 appointed fiscal agent of the United States in connection
27 with any federal reclamation project, or by the United
28 States, or under contract therewith, is authorized or required
29 to make collection of moneys on behalf of the United States,
30 or for payments due the United States under any such con-
31 tract, each director of the district, and the secretary and the
32 treasurer thereof, shall execute a further and additional
33 bond in such sum as the secretary of the interior may

1 require, conditioned for the faithful discharge of the duties
2 of his office, or as fiscal or other agent of the United States,
3 or both; and any such bonds may be sued upon by the
4 United States or any person injured by the failure of such
5 officer or officers of the district to fully, promptly or com-
6 pletely perform their respective duties. This requirement
7 shall apply to the directors of a division, and in so far as
8 applicable to the officers of a district acting in that relation,
9 in case of contract between the United States and such
10 division. In all cases of contracts with the United States as
11 above described the board of directors of the district, or of
12 a division thereof, and the secretary and treasurer of a dis-
13 trict, shall at any time allow any officer or employee of the
14 United States, when acting under the order of the secretary
15 of the interior, to have access to all books, records and
16 documents which are in the possession or control of such
17 officers.

18 SAVING CLAUSES

19 SEC. 164. Nothing in this act shall be so construed as to
20 affect the validity of any district heretofore organized under
21 the laws of this state, or its rights in or to property, or any
22 of its rights or privileges of whatsoever kind or nature; but
23 said districts are hereby made subject to the provisions of
24 this act so far as applicable; nor shall it affect, impair, or
25 discharge any contract, obligation, lien, or charge for, or
26 upon which it was or might become liable or chargeable had
27 not this act been passed; nor shall it affect the validity of
28 any bonds which have been issued but not sold; nor shall it
29 affect any action which now may be pending.

30 SEC. 165. Nothing in this act shall be construed as repeal-
31 ing or in anywise modifying the provisions of any other act
32 relating to the subject of irrigation except such as may be
33 contained in this act.

1 SEC. 166. This act may be referred to in any action, pro-
2 ceeding or legislative enactment as "The Nevada Reclamation
3 and Irrigation District Act" and whenever the words "irri-
4 gation district" are or have been used in any action or pro-
5 ceeding in any court or in any act or resolution of the legisla-
6 ture such words shall be construed to mean an irrigation
7 district organized or existing under the provisions of this act.

